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The Old Gloss on the *Nomocanon in Fourteen Titles*

Introduction and Edition

DAVID F. WAGSCHAL

Given the centrality of religion and law in Byzantine society, it is unfortunate that the Byzantine canonical tradition tends to be regarded as an exceptionally niche area of study, best left to only a few specialists. Scholars no doubt find the subject forbidding because of the technical nature of its texts and the relative inaccessibility of the primary sources.¹ The secondary literature too, despite some notable recent advances,² is perceived as arcane and difficult to track down. There is also a perception that the textual tradition of the collections is enormously vast and tangled.

This fearsome reputation, however, belies the reality—especially with respect to the primary sources.³ Compared to their civil-legal cousins, the canonical texts are not, in fact, especially vast, technical, or difficult to read. And compared to the western Christian canonical tradition, with its huge array of variegated collections, and enormous quantity of rules, the Byzantine canonical tradition is remarkably compact, well-defined, and stable. The tradition is much less convoluted and complex than is commonly realized.

In fact, it is possible to present the history of the Byzantine canonical tradition as effectively the story of just *one* core collection of canons and of this collection's gradual expansion, reworking, interpretation, and application. This collection first emerged in the late fourth century as a small collection known to scholarship as the "Antiochian corpus." By the Council of Chalcedon (451), in an expanded form, this corpus already appears to have been firmly established as the central, quasi-official imperial collection of canons. This corpus then underwent several significant moments of expansion and reorganization in the sixth century, most famously in the two extant topically indexed collections, the *Collection in Fifty Titles* and then the *Collection in Fourteen Titles*—both of which eventually admitted significant civil-legal legislation, creating the famous nomocanonical recensions. In subsequent recensions, the underlying corpus of canons continued to expand, accepting a few important additions in the seventh and eighth centuries, before more or less closing after the inclusion of the ninth-century Photian councils. After this point, this corpus of approximately 770 canons, with its civil-legal additions, and especially as embodied in expanded ninth-century recensions of the *Nomocanon in Fourteen Titles*, emerged as an increasingly fossilized "canon of the canons" around which the later tradition developed and revolved. Almost all later jurisprudential texts, synodical legislation, corpus commentaries, civil-legal texts on religious matters, paracanonical texts, and further topical rearrangements of

1 It is true that we still lack modern editions of several key texts, or they are difficult to find and then only rarely the subject of good translations (at least into western European languages).

2 In English, I am especially thinking of W. Hartmann and K. Pennington, eds., *The History of Byzantine and Eastern Canon Law to 1500* (Washington, DC, 2012).

3 See D. Wagschal, *Law and Legality in the Greek East: The Byzantine Canonical Tradition*, 381–883 (Oxford, 2015), 24–87, 169–217, where I argue the following points at length.

the corpus in some way refer to, build upon, or are constructed out of and around this central corpus structure.

It is the compactness, stability, and, in a sense, simplicity of the tradition that makes the small set of textual marginalia published in this edition noteworthy. Small texts in a small tradition are significant—and this is especially true when they are a feature of what eventually emerges as a central textual monument of the tradition, the *Nomocanon in Fourteen Titles* (henceforth NC14).

I have termed this set of marginalia the “Old Gloss.” This may be an overly ambitious name. “Gloss” evokes the substantial and continuous marginal commentaries best known from the Latin high medieval *glossae ordinariae*. By contrast, the scholia accompanying the NC14 are short, sparse, and uneven. “Old” may also be presumptuous, given that dating scholia is notoriously difficult.

Yet “Old Gloss” is appropriate on two counts. First, “gloss” conveys one critical characteristic of these marginal annotations: consistency. This edition confirms that there exists a surprisingly regular core of marginal notations transmitted in the pre-commentary recensions of the strictly nomocanonical portion of the NC14 (more on the structure of the NC14 in a moment). Given that there is effectively only one other commentary on this part of the NC14 in the Byzantine tradition—that of Theodore Balsamon in the twelfth century⁴—it seems not unwarranted to honor this earlier interpretive apparatus with a title that conveys some sense of the text’s relative significance and scope.

Second, although the precise date of the scholia is a matter of speculation, one point is clear: the gloss unquestionably preceded the commentary of Balsamon, and by at least two centuries. “Old” is therefore appropriate at least in the sense of the gloss being *older* than the only other significant “gloss” on the Nomocanon. And there is a chance that the scholia originated well before the tenth century—maybe even as early as the seventh.

4 Although a slightly later reworking of Balsamon’s commentary has been identified in the manuscript Mount Sinai, Μονή τῆς ἀγίας Αἰκατερίνης, gr. 1117; see V. Tiftixoglou, “Zur Genese der Kommentare des Theodoros Balsamon,” in *Byzantium in the 12th Century: Canon Law, State and Society*, ed. N. Oikonomides (Athens, 1991), 483–532; S. Troianos, *Die Quellen des byzantinischen Rechts*, trans. D. Simon and S. Neye (Berlin, 2017), 297–99.

The Old Gloss in the Context of the Byzantine Canonical Tradition

The twelfth century saw an explosion of church-legal jurisprudential activity in both East and West. In the West, the production of Gratian’s *Decretum* (ca. 1140), together with the emergence of a professionalized class of canon lawyers and scholars, marked the beginning of an unprecedented flowering of church-legal literature. Scores of commentaries and specialized canonical treatises were soon produced. In the East, developments were less dramatic but nevertheless significant. By the end of the twelfth century, the three definitive commentaries on the traditional Byzantine corpus of canons had emerged (those of Alexios Aristenos, John Zonaras, and Theodore Balsamon), along with numerous other canonical treatises.⁵ Theodore Balsamon, as noted, also wrote a commentary on the NC14 *sensu stricto*—that is, on the portion of the collection containing the civil laws, inserted throughout the fourteen titles.

Before the twelfth century, canonical jurisprudential or commentary-like literature in the East seems to have been exceptionally sparse.⁶ There was a surge of activity in the late eleventh century—a prologue of sorts to the twelfth-century developments—that included the creation of numerous treatises and question-and-answer works (ἐρωταποκρίσεις), as well as the appearance of the florilegium-like *Pandects* of Nikon of the Black Mountain.⁷ But before this time, extant literature of known date is confined to a set of eccentric scholia composed by Arethas of Caesarea,⁸ together with a handful of other treatises and question-and-answer materials.⁹ In truth, before the late eleventh-/

5 On the twelfth-century developments generally, with further references, see Troianos, *Quellen*, 288–99.

6 For further discussion of this remarkable lacuna, and its probable connection to the comparative lack of professionalization in Byzantine canon law, see Wagschal, *Law and Legality*, 77–83; also D. Wagschal, “The Byzantine Canonical Scholia: A Case Study in Reading Byzantine Manuscript Marginalia,” *BMGS* 43.1 (2019): 24–41, at 31.

7 On these late eleventh-century developments, see Troianos, *Quellen*, 269–71, 278–86.

8 On which see Wagschal, “Canonical Scholia,” 30–35. Some of the other anonymous scholia discussed in this article may also predate the eleventh century.

9 On these texts, see the overview in Troianos, *Quellen*, 276–78, 284–85.

twelfth-century florescence, the most significant “jurisprudential” activity in any kind of technical sense was probably the formation of the sixth-century topical canonical collections themselves—but only if we (generously) consider their comparatively passive and indirect shaping of the material via classification, organization, and selection as jurisprudence.¹⁰

Given that early absence of jurisprudential and commentary work in this period, the manuscript scholia take on special prominence. As small and insignificant as these may seem, they shed light onto a world of legal thought and action that is otherwise exceedingly dark.

Locating the Gloss: The Structure of the Nomocanon in Fourteen Titles

The NC₁₄ is a recension of the *Collection in Fourteen Titles* (henceforth Coll₁₄). To the best of our knowledge, the Coll₁₄ was composed in the late sixth century.¹¹ It seems to have originally comprised (1) a set of introductory articles; (2) a set of fourteen topical titles (τίτλοι), each further subdivided into chapters (κεφάλαια) that contained references to the relevant canons found in the next section; (3) the Byzantine corpus of canons as it stood at the end of the sixth century; and (4) an appendix of civil-legal laws pertaining to the church (likely the collection now known as the *Collectio Tripartita*¹²).

Although the Coll₁₄ is known as a “systematic collection” because of the presence of the topical or “systematic” fourteen titles, the canons themselves are not reorganized under the titles in the vast majority of manuscripts (and certainly were not in the original). Instead, the fourteen titles and their chapter subdivisions simply function as a topical index to the canonical corpus,

which is itself appended to the titles and is normally in a traditional corpus order (i.e., canons of apostles, followed by canons of Nicaea, followed by canons of Ancyra, etc.). The Coll₁₄ is best described as a chronological collection prefaced by a systematic index.

It seems that in the early seventh century, civil laws from the civil-legal appendix and other sources were inserted into the systematic index—the fourteen titles—under the relevant chapter headings. These laws were placed after the canonical references in the various chapters, constituting distinct sections. Revised in this way, the collection will eventually (but consistently only in modern times) be called the *Nomocanon in Fourteen Titles*, even if strictly the only “nomocanonical” section of the collection is the expanded fourteen titles themselves (no. 2 above). The corpus collection (no. 3) remained untouched.

It is evident in the manuscript tradition that expansions and reorderings of the canonical material were continuous. However, the next major recension of the NC₁₄ is known from the addition of a new prologue, dated to 883. In this recension—which may or may not have been completed under the auspices of Patriarch Photius—the canonical corpus was brought up to date with the most recent councils, and the canonical references in the fourteen titles expanded accordingly. Apparently, additional civil-legal material was also introduced into the fourteen titles this time, although it is not clear what these additions were.¹³

With this “Photian” recension the NC₁₄ would—in terms of both structure and content—take on its classic form. By contrast, structurally, the next major recensions, those associated with Michael the Sebastos and Theodore the Bestes in the late eleventh century, marked a significant change.¹⁴ In these recensions—apparently basing themselves on an earlier version of the text that did the same¹⁵—the texts of the canons

10 On the two extant collections—the *Collection in Fifty Titles* and the *Collection in Fourteen Titles*—with further references, see Troianos, *Quellen*, 142–45, 153–58, 267–69; Wagschal, *Law and Legality*, 39–50. On the specifically jurisprudential implications of their systematizations, see Wagschal, *Law and Legality*, 223–74.

11 On this collection and its recensions, as well as its dates, see the references in n. 10, and especially the discussion and references in Wagschal, *Law and Legality*, 38–50, 225–30. V. Beneshevich, *Kanonicheskiĭ Sbornik XIV Titulov so vtoroi chetverti VII veka do 883 g.* (St. Petersburg, 1905), remains foundational for the pre-Photian recensions. See also B. Stolte, “A Note on the Un-Photian Revision of the Nomocanon XIV Titulorum,” in *Analecta Atheniensia ad ius Byzantium spectantia*, ed. S. Troianos (Athens, 1997), 115–30.

12 Edition: N. van der Wal and B. Stolte, eds., *Collectio Tripartita: Justinian on Religious and Ecclesiastical Affairs* (Groningen, 1994).

13 The resolution of this question awaits a proper critical edition of the NC₁₄. See V. Narbekov, *Nomokanon Konstantinopol'skogo Patriarkha Fotiia: S Tolkovaniem Val'samona*, vol. 1 (Kazan, 1899), 92–93, for references to the nineteenth-century discussion of this question.

14 On these recensions, see especially A. Schminck, “Das Prooimion der Bearbeitung des Nomokanons in 14 Titeln durch Michael und Theodoros,” in *Fontes Minores*, vol. 10, ed. L. Burgmann (Frankfurt, 1998), 357–86; also Troianos, *Quellen*, 267–69.

15 In the manuscript Jerusalem, Πατριαρχική Βιβλιοθήκη, Παναγιώτου Τάφου 2.4; see Schminck, “Prooimion,” 379–80. This manuscript does

were incorporated into the fourteen titles themselves (versus simply following the titles as a corpus collection in a separate section), and, in addition, the civil-legal texts were expanded considerably. The results were collections that had lost the traditional four-part structure of the older recensions, but that were considerably more comprehensive on a chapter-by-chapter basis. No doubt these recensions were also significantly more unwieldy and difficult to search than the older, classical four-part recensions, which may account for their failure to displace the older structure. Thus, when the final “commentary recension” of the NC14 was produced in the late twelfth century, by Theodore Balsamon, the structurally classic four-part shape of the NC14—with the canons following the fourteen titles as a separate section—reasserted itself.

The scholia of this study accompany the nomocanon *sensu stricto* (i.e., the nomocanonically revised fourteen titles) in the manuscripts of the NC14 in their classic four-part form—that is, in the recensions of the collection before the Michael/Theodore reworkings, and before the addition of the commentary of Balsamon. In other words, these are the scholia that may be found in section 2 (above) of the extant manuscripts of the classic four-part NC14 recensions. Scholia may also be found in the other parts of these collections—most extensively in section 3, to the canons themselves—but these are not the topic of this study.¹⁶

Typology

I have elsewhere identified four basic types of scholia in canonical manuscripts.¹⁷ All four can be found in the nomocanonically portion of the NC14, along with one additional type.

First, there are simple topical or summary rubrics, which indicate the subject matter of the adjacent passage. These may be very simple, indicating only the general topic—for example 12.2.a, *περὶ Ἰουδαίων* (Regarding Jews). Often they convey an actual rule in summary form, for example 9.6.b, *αἱ τῶν πατριαρχῶν ψῆφοι οὐκ*

ἐκκαλοῦνται (the decisions of the patriarchs are not subject to appeal). In both cases, particularly the latter, these scholia have the effect of highlighting or drawing attention to the material in question. Together, they constitute the dominant form of marginal notations in the Old Gloss, constituting approximately 160 scholia in total, or close to 80 percent of the whole. They are typically very simple and derivative, repeating language verbatim from the main text.

One subset of these scholia may be termed “schematic” rubrics, where an initial topic or rule is visually broken down on the page into a small diagram (e.g., scholion 1.28.c, Fig. 1). The evident utility of these schematic rubrics is reflected in their popularity: they are among the most frequently copied in the Gloss.

Second are reference scholia. These provide references to other relevant texts. Within the Old Gloss there are only five examples of this type, referring either to other civil-legal texts or to elsewhere in the collection itself.¹⁸ Outside of the Gloss, among the mass of other, much more variable scholia that can be found in the NC14 margins, highly abbreviated cross-references to passages in the civil law are quite common. In many cases these indicate where a passage can be found in the *Basilica*, the late ninth-/early tenth-century reworking of Justinian’s corpus.

Third are interpretive or exegetical scholia. These provide some type of substantive interpretation or commentary on the text at hand. These are often very brief, even one word, and may simply have the effect of offering a color commentary on the text; see, for example, 9.25.b, *πάνυ ξέρον* (very strange) or 13.18.b, *ἀναγκαῖον* (necessary). Some are more substantive, providing further information or synthesis. Rather often they point out a contradiction. Within the Gloss they number around thirty-five, or around 17 percent of the whole. They will be explored in detail below.

Fourth are highlighting or emphasis scholia. These typically take the form of the two-letter abbreviations *ση* or *ὦρ* (often combined), for *σημείωσαι* (note) and *ὦραῖον* (beautiful/fine, useful), placed alongside passages of interest. A variant is *ὄρα* (see), or *δι’ ὅλου* ([see] throughout). Since these do not show the consistency of the other types of scholia in the Old Gloss, it has been impossible to assign any of them with certainty

contain many scholia of the Old Gloss and has been included in the edition below.

16 For an overview, see Wagschal, “Canonical Scholia,” and also now the excellent discussions of some of these scholia in southern Italian manuscripts in J. Morton, *Byzantine Religious Law in Medieval Italy* (Oxford, 2021).

17 On these types, see Wagschal, “Canonical Scholia,” 26–30.

18 See 1.5.d, 1.32.a, 9.6.c, 10.8.a, 13.30.a.

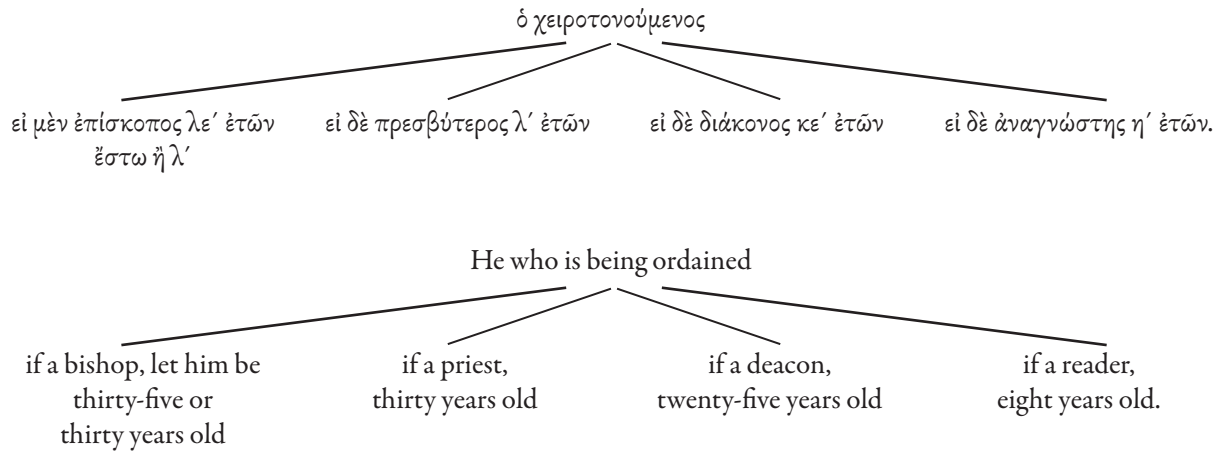


Figure 1. Scholion 1.28.c in schematic form. Drawing by author.

to the Gloss itself. A few of the most regular ones have been included in an appendix, below.

Finally, there is a fifth category of scholia particular to the nomocanonical material: glosses on Latin words. As is generally the case in pre-Macedonian Byzantine civil-legal texts, technical Latin terms in the pre-commentary recensions of the NC₁₄ are almost always rendered in Latin lettering with (generally) a Greek grammatical ending. For example, in Oxford, Bodleian Library, Barroci 185, 37r, we read: ἐν ἐνστάσει, καὶ ὑποκαταστάσει καὶ ληγάτοις καὶ ἰδιοκοῖς FIDEIKOMMISSOIS καὶ καθ' ὁμάδα ([women religious are able to bequeath] through institution of an heir and substitution of an heir and through legacies and through specific and general *fideicommissa* [trusts]). The word FIDEIKOMMISSOIS (with its Greek plural dative in Latin lettering) is then glossed in the margin with πίσται καταλιμπανομένοις, a calque of the Latin *fideicommissum* (in-faith bequeathed). Like the reference scholia to *Basilica* passages, these glosses are quite variable across the manuscripts, more common in later manuscripts, and generally seem to be added by later hands. None appear with sufficient regularity to be assigned with confidence to the Old Gloss.

Identifying and Dating the Old Gloss

Scholars familiar with the manuscripts have long noted that scholia accompany the civil-legal portion of the NC₁₄. Jean-Baptiste Pitra included a desultory selection in the footnotes of his edition, and Vladimir Beneshevich published a small number

that he considered exegetically significant.¹⁹ Notably, Beneshevich also observed that some of these scholia were “more stable” in the manuscripts.²⁰ This persistence has since been recognized several times: Bernard Stolte suggested that some scholia seem sufficiently uniform to call them an “apparatus,” and James Morton has noted that they appear “consistently,” and “were evidently considered integral to the collection.”²¹ Careful examination of the limited numbers of NC₁₄ scholia catalogued in some entries of the *Repertorium der Handschriften des byzantinischen Rechts* (RHBR) also hints at the transmission of a stable mass.²²

It is only recently, however, with the ease of accessing manuscripts digitally, that a sufficient number of manuscripts can be accessed to understand something of the real distribution and frequency of these scholia. As it turns out, a careful survey of almost all extant pre-twelfth-century surviving manuscripts of the classical NC₁₄ (and not a few later ones as well) confirms that there is a set of scholia, our Old Gloss, that seems to be transmitted alongside the classical Nomocanon with exceptional frequency, including—in fact,

19 J.-B. Pitra, *Iuris Ecclesiastici Graecorum Historia et Monumenta*, vol. 2 (Rome, 1868), 458–637; Beneshevich, *Sbornik*, 145–48, 300, n. 2.

20 Beneshevich, *Sbornik*, 145.

21 Stolte, “Un-Photian Revision,” 126; Morton, *Religious Law*, 27, 89, n. 26.

22 L. Burgmann et al., eds., *Repertorium der Handschriften des byzantinischen Rechts*, 3 vols. (Frankfurt, 1995–2017). Instances of the Pitra and Beneshevich scholia are as a rule carefully catalogued in the second volume.

especially—in the earliest tenth-century manuscripts. These scholia do not appear to have survived as a coherent set in the reformatting of the NC₁₄ in the Michael/Theodore recensions, nor do they seem to have continued a separate existence in Balsamon's recension of the Nomocanon—although Balsamon incorporated at least a few of the more significant ones *in textu*.²³

It is difficult to determine the extent to which these scholia should be considered a unified compositional “set.” By the time they appear in the textual record—that is, in the tenth-century manuscripts—they seem to have *become* a set. But did they constitute a unified whole at the point of composition? Or is the Old Gloss a compilation of earlier collections of scholia? It is impossible to resolve this question with certainty, given that the scholia are all anonymous, mostly quite short, and generally unremarkable in content and presentation. It is telling, however, that there does not appear to be any pattern of distribution within the manuscripts that suggests subsets of scholia within the Gloss (e.g., pointing toward earlier, shorter versions), and there are also no sustained patterns of difference in style or graphical presentation that might suggest processes of compilation. Only in a few isolated cases do scholia evince a stylistic marker or point of content that may point toward a proprietary origin.²⁴

If we take, then, the Old Gloss as, at least in the main, constituting a whole, what can be said about its date? On only one point are we on almost completely on firm ground: its *terminus ante quem* is in the tenth century. This is the date of the earliest surviving

manuscript witnesses. True, none of these witnesses has internal indications of a specific date, and dating Greek manuscripts on paleographical grounds alone is an art, not a science. It is also always possible that scholia could have been added after the manuscripts were produced. However, it strains credibility that all eight manuscripts have been misdated; and while it is impossible to rule out later addition of scholia, especially when examination is done via microfilms, the hands broadly appear appropriate to the period.²⁵ Notably, in many cases the scholia of the Old Gloss are in semiuncial, which is typical for scholia in tenth-century minuscules.²⁶

Beyond this *terminus ante quem*, are there any internal indications of date? The best candidate is scholion 9.1.b, which has in fact been used to help date the NC₁₄ itself:

τοῦτο τὸ νόμιμον κεκαίνισται ἐκ τοῦ νῦν φοιτήσαντος νόμου τῶν πανευσεβῶν ἡμῶν βασιλέων Ἡρακλείου καὶ Κωνσταντίνου τοῦ γραφέντος πρὸς Σέργιον τὸν ἀγιώτατον πατριάρχην· κελεύει γὰρ μήτε ἐπίσκοπον μήτε κληρικὸν μήτε μοναχὸν χρηματικῆς ἢ ἐγκληματικῆς χάριν αἰτίας παρὰ πολιτικῶ ἢ στρατιωτικῶ ἐνάγεσθαι ἄρχοντι ἀλλὰ παρὰ μόνοις τοῖς ἰδίῳ ἐπισκόποις ἢ μητροπολίταις ἢ πατριάρχαις γενικῶς ἐν ὅλαις ταῖς πόλεσιν τῆς φιλοχρίστου πολιτείας.

This legal regulation has been renewed in the law that has now been enacted by our all-pious emperors Heraclius and Constantinus and that was written to Sergius, the most holy patriarch; for it commands, generally, throughout all the cities of our Christ-loving polity, that neither bishop nor cleric nor monk be brought before a civil or military judge for a pecuniary [civil]

23 Scholia 9.1.b and 9.1.c. Full exploration of the Old Gloss's *Nachleben* will have to await better editions of both the Michael/Theodore and the Balsamonic recensions, and particularly of the earlier/intermediate versions of Balsamon, as described by Tiftixoglou, “Zur Genese” (n. 4 above), 483–84. It may be that the scholia have been more influential than first appears. For the Michael/Theodore recensions, my comments here are based on (for the longer recension) review of Athos, Μονὴ Κουτλουμουσίου 42; Munich, Bayerische Staatsbibliothek, gr. 122; and Dublin, Trinity College Library, MS. 199; and (for the shorter recension) Athos, Μονὴ Βατοπεδίου, MS. 227; Athens, Ἐθνικὴ Βιβλιοθήκη τῆς Ἑλλάδος, Grec. 1377; and Paris, Bibliothèque nationale de France, Coislin 36. Schminck indirectly suggests that some of the scholia of the Old Gloss later made their way into the longer recension, but the instances he cites appear to be not word-for-word inclusions but rather points of similar content. See Schminck, “Prooimion,” 380, n. 118.

24 See the Notes, below, on scholia 1.32.a and 2.1.p (both prefaced with σχόλιον), the peculiar 1.5.a, and the unusually common use of Latin lettering in 1.5.d.

25 I have some suspicions about the scholia in St. Petersburg, Biblioteka Rossiiskoi Akademii Nauk, gr. 66, and perhaps Jerusalem, Πατρ. Βιβλ., Παν. Ταφ. 24, but the quality of the digital images does not permit further judgment.

26 The scholia of the Old Gloss are mostly semiuncial in Oxford, Bodleian Library, Laudian gr. 39; Jerusalem, Πατρ. Βιβλ., Τιμίου Σταυροῦ 2; Turin, Biblioteca Nazionale Universitaria, B.2.26; and Athens, Ἐθν. Βιβλ., Grec. 1370 (and also in the later Paris, Bibliothèque nationale de France, gr. 1320; Mount Sinai, Μον. Αικ., gr. 1111; Mount Sinai, Μον. Αικ., gr. 1112; Rome, Biblioteca Vallicelliana, C.11; and Venice, Biblioteca Nazionale Marciana, app. gr. III.17—often in contrast to other scholia in the manuscripts).

or criminal matter, but only before their own bishops or metropolitans or patriarchs.

The use of the (present) perfect *κεκαίνισται* (this legal regulation “has been renewed”), the reference to the law “now” having been enacted (a somewhat awkward expression that seems to have been translationese for *lex prolatus*),²⁷ and the lack of any indication that “our” emperors are dead all suggest that this scholion is contemporary with the emperors mentioned, and obviously composed after the promulgation of this particular law in 629—and therefore written sometime between 629 and 641 CE.²⁸ We might also wonder about the reference to Patriarch Sergius as *ἀγιώτατον*, given his later condemnation; would not this epithet be more appropriate if this scholion was written before his final condemnation in 680? (In fact, in a few later manuscripts, this epithet *is* omitted, and Balsamon, who quotes a significant portion of this scholion, noticeably avoids any reference to Sergius.²⁹) Also, interestingly, Heraclius and Sergius appear in another scholion, 130.b: they do seem especially significant for the scholiast.

None of these tells is absolutely definitive. It is possible to read the first sentence as written by a later commentator—that is, referring to law of Heraclius and Constantine that is simply still in force (i.e., at a later time of composition). There is also no absolute need for the scholiast to note that the emperors were dead. And the honorific for the patriarch maybe simply be chancery reflex, or a bit of scribal scrupulosity.

But there are other indications in the scholia that might incline us toward a comparatively early dating. In scholion 1.2.a, for example, we read *ὅτι οἱ κανόνες τῶν δ' συνόδων κρατοῦσιν ὡς αἱ θεῖαι γραφαί* (That the canons of the four synods have authority as the divine scriptures). This is a faithful rendition of the adjoining NC14; but it does seem a little odd, were this originally added after the later seventh or eighth centuries, that the author would not expand it to include later synods that had also issued canons. This is especially peculiar since the post-Photian recensions of the NC14 do change the text of the Nomocanon to read “seven synods,” as does the *Basilica*, and as modern editions currently present. Even if we grant that the recognition and enumeration of “ecumenical synods” in Byzantium was always slow and faltering, the long-term retention of “four synods” in the scholia does seem to make more sense if the original composition was pre-eighth century, and not later.

Another curious case is the topical scholion 8.1.d, which highlights the special regulations *περὶ τοῦ ἐπισκόπου Τομέων καὶ τοῦ Ἰσαυροπόλεως* (regarding the bishop of Tomis and Isauropolis). The history of both of these sees in the latter half of the first millennium is obscure, but they seem either to have been suppressed/dissolved or to have fallen out of Byzantine control by the end of the seventh century, at the latest—they even disappear from the archaizing *notitiae*.³⁰ Although

27 On this usage of *φοιτῶ*, see I. Avotins, *On the Greek of the Code of Justinian* (Hildesheim, 1989), 168–69.

28 Karl Zachariä von Lingenthal surmised that this scholion was written by the very author of the original NC14 reworking. K. Zachariä von Lingenthal, “Die griechischen Nomokanones,” *MASP* 23.7 (1877): 1–18, at 10, n. 2; “Über den Verfasser und die Quellen des (Pseudo-Photianischen) Nomokanon in XIV Titeln,” *MASP* 32.16 (1885): 1–41, at 1. I agree with Narbekov, *Nomokanon* (n. 13 above), 1.27–28, n. 4, that there is no particularly good reason to make this assumption. In fact, if this scholion is taken to be part of the Gloss as a compositional whole, it seems very unlikely, as there are numerous places where the Gloss’s scholia point out contradictions among the laws and/or canons, note “strange” regulations, and even directly query or contradict the Nomocanon author’s own statements. See, for example, 9.1.c.

29 G. Rhalles and M. Potles, eds., *Σύνταγμα τῶν θεῶν καὶ ἱερῶν κανόνων*, 6 vols. (Athens, 1852–1859), 1.165 (this work is hereafter cited as *RP*). Two manuscripts also omit *ἀγιώτατον* for Sergius in scholion 1.30.b.

30 Scythia Minor fell out of effective Byzantine control throughout the course of the late sixth and seventh centuries, even if Tomis, its metropolitan see, lingered in the *Notitiae* until the early ninth century (it last appears in Darrouzes’ *Notitia* 5). The sigillographic evidence is particularly revealing: there is a dramatic drop-off in seals following the sixth century, with only a slight revival in the early eleventh century. See broadly M. Zahariade, *Scythia Minor: A History of a Later Roman Province (284–681)* (Amsterdam, 2006) (for the demise of the ecclesiastical organization, at 209); A. Madgearu, “The End of Town-life in Scythia Minor,” *Oxford Journal of Archaeology* 20 (2001): 207–17. For the seals, see commentary at <https://www.doaks.org/resources/seals/byzantine-seals/BZS.1955.1.4801/>. *Notitia* 5 is edited in J. Darrouzes, *Notitiae Episcopatum Ecclesiae Constantinopolitanae* (Paris, 1981), 263–66. On the date of *Notitia* 5, see P. Komatina, “Date of the Composition of the *Notitiae Episcopatum Ecclesiae Constantinopolitanae* Nos. 4, 5 and 6,” *ZRVI* 50 (2013): 195–214.

Isauropolis in Isauria appears to have been subsumed into Leontopolis early on, and does not seem to be securely attested after the sixth century—indeed, this scholion may be the last (vague) witness to imply its continued existence. It is not present in the *notitiae*. See K. Feld, *Barbarische Bürger: Die Isaurier und das Römische Reich* (Berlin, 2012), 19–25; P. Pilhofer, “Leontopolis: Kaiserstadt ohne Bischof?,” *Zeitschrift für Antikes Christentum* 25.3 (2021): 479–506;

it might be argued that the exception noted for these cities—they are cases in which a bishop is permitted jurisdiction over two cities—was still of academic interest for later scholiasts, it does seem on balance more likely that a scholiast would highlight rules for these cities when they were still going concerns in the empire. This is particularly true given that the substance of the exception is not itself voiced in the scholion.

A similar, if vaguer, case might be made for the presence of two scholia that highlight condemnations of miaphysitism: 9.9.a, *περὶ Φλαβιανοῦ τοῦ ἐν ἁγίοις καὶ Εὐτυχοῦς τοῦ ἐν βεβήλοις* (regarding Flavian, who is among the saints, and Eutyches, who is among the profane), and 9.10.b, *περὶ τῶν ἐχόντων βιβλους Σευήρου* (regarding those who have books of Severus [of Antioch]). Again, it is certainly possible that a scholiast may have had an interest in these regulations in a later period of Byzantine history—in one of the many chapters in the strained relationships of the Byzantines and the Armenians, for example³¹—but on balance it does seem at least slightly more plausible that these topics would have been highlighted before it was clear that the great centers of non-Chalcedonianism of Egypt and Syria were truly lost to the Arabs.

To adopt a different tack, it is also interesting—albeit this is an argument *ex silentio*—that there is nothing in the scholia that points to a post-seventh-century date. There are, for example, no references to post-seventh-century laws, canons, patriarchs, or emperors (in fact, aside from Heraclius and Constantine, noted above, the only other emperor mentioned is Zeno, in 8.1.b). There is even one example in which a later canon may be conspicuously *not* referred to. Scholion 1.11.a reads: *ὅτι ἀντινομοθετεῖ ἡ διάταξις τῷ κανόνι* (that the law legislates contrary to the canon). Here the scholiast is noting that the civil legislation on the required clerical progression through the ranks seems to be at variance with the canonical legislation on the same topic. The post-ninth-century recensions of this chapter contain two canons: one from Sardica (fourth century) and one from Protodeutera (ninth century). If this scholion was

written in the late ninth or tenth century, it would seem likely that the scholiast would either mention both canons or at least clarify which canon was intended. Instead, the scholiast has simply written “the canon.” It’s not impossible that this is an example of the usage of “canon” in a more generic sense of “the canonical order,” or just “the canonical rule,”³² but certainly one reading of the passage is that the scholiast was commenting on the chapter when it contained only the one canon—the Serdican canon.

There is a final indicator that points toward an earlier date: the scholia seem comfortable with Latin. The best example is scholion 1.5.d, where the Institutes are referred to using the Latin title and, generally, in Latin characters: *ἐν τῷ ια' τίτ. τῆς INSTITUTIONOS λέγει . . .* (in the eleventh title of the Institutes it says . . .). In later scholia (not in the Gloss), INSTITUTIONOS generally needs to be glossed—for example, as *τῆς Εἰσαγωγῆς* (the Introduction). Elsewhere in the Gloss, even if the Latin terms are generally transliterated into Greek, they are still used without further explanation. In scholia 9.1.p and q, for instance, we see a casual use of *φάκτος* (Lat. *factum*, fact, deed), which is all the more surprising inasmuch as the term is *not* used in the adjoining text of the Nomocanon itself: here the scholiast reveals an exceptional familiarity with Byzantine Latin legalese. To give another example, in scholia 13.4.a–d and 13.30.a, the language of *ῥεπούδιον* (Lat. *repudium*, divorce) is used without any further explanation—despite its also being glossed very frequently by later scholiasts, including in these very chapters. Interestingly, in one tenth-century manuscript (Oxford, Bodl. Lib., Laud. gr. 39), which happens to be witness to one of the very oldest recensions of the NC14, *ῥεπούδιον* appears in these scholia in Latin characters. Were all of these Latin terms originally in Latin characters? Several other examples of Latin usage, a few with Latin characters, can easily be found.³³

The history of the usage of Latin terms in Greek legal texts is probably not susceptible to such clear periodization that we can fix the date of the Gloss’s usages

D. Stiernon, s.v. “Isauropolis,” *DHGE* 25 (1995–1997): 131–36 (note that Stiernon incorrectly states that Isauropolis can be found in the *notitiae*).

31 See also the examples consequent to the reconquest of North Syria in the late tenth century in Z. Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867–1054* (Cambridge, 2017), 133–49.

32 Stolte, “Un-Photian Revision,” 124, in discussing this canon tends in this direction; cf. also the use of “canon” in 1.37.a, 4.10.a, 8.14.a.

33 τὸ πρῶτον διγέστον (2.1.g); ῥεπετιτεύεται (2.1.y; in Latin or partial-Latin characters in Oxford, Bodl. Lib., Laud. gr. 39; Oxford, Bodl. Lib., Rawlinson G. 158; and Venice, Bib. Marc., gr. 170); πακτεύειν (7.4.b); κουρατωρείας (8.13.a); φαμῶσα (9.36.b).

with certainty.³⁴ However, a general arc of historical development is discernable: Latin terms were used in Latin characters quite normally in the earliest (i.e., sixth- and seventh-century) sources, which includes the seventh-century NC14 itself; we then see broad and diffuse patterns of transliteration of Latin terms into Greek; and then, eventually, but especially in connection with the later ninth-century legal collections, we see a process of true translation of Latin legal terms into Greek (the proper *exhellenismo*). There were variations and permutations in this process, especially in the sequence and overlap of the second and third stages, and also in subsequent variations of usage. It is revealing, however—and I think on balance a strong argument for a rather early date to the scholia—that the usage in the Old Gloss would seem to be most coherent with the *earliest* stages of this process: indeed, even with the usage of the seventh-century NC14 itself.

On the whole, then, even if no definite conclusion can be reached, the preponderance of the evidence does point, albeit tenuously, toward a comparatively early date—*possibly* even as early as the seventh century.

Content and Significance

Within the broader context of Byzantine canon law, it is unlikely that the Old Gloss will ever be seen as more than a minor text. As a work of quasi-jurisprudence, it is not impressive. We might expect that it would provide the reader with a comprehensive and coherent set of topical subheadings, a well-chosen range of cross-references, or genuine insight and assistance in understanding and applying the laws. But as even quick familiarity with the scholia makes clear, the Gloss makes only partial and very desultory contributions to each of these areas. As a whole, the Gloss reads as an eclectic, almost random, collection of notes.

In this regard—from a legal-historical perspective—the most interesting thing about the Old Gloss may be, perversely, its inadequacy. It is very revealing that, on the one hand, the Gloss represents a motley collection of not terribly helpful or profound comments; but on the other hand, much of it seems to have been faithfully copied for centuries. In this respect, it manifests a central characteristic of Byzantine law: the law's deep textual traditionalism. "Doing law" in Byzantium is very often an engagement with a quasi-fossilized, semi-sacred body of traditional texts.³⁵ This drive to transmit and preserve the textual tradition can extend, it seems, even to comparatively inconsequential marginalia.

That said, the scholia of the Old Gloss are not entirely devoid of interest.

First, we can detect a few interesting emphases. As noted, almost 80 percent of the scholia are topical glosses: that is, they provide a simple summary or restatement of the adjacent text. These are never particularly systematic in the sense of constituting a general or comprehensive topical guide to the NC14's content, nor do they ever betray an intention of neutrally summarizing the whole.³⁶ Instead, they read haphazardly, suggesting points of interest of a specific reader (or readers).

One such interest would seem to be the prerogatives of the see of Constantinople. In both Titles 1.5 (b, c, d) and 8.1 (a, c, e, f, g) we can detect a distinct exuberance in highlighting Constantinople's privileges, with numerous glosses placed in rapid succession. Another area of (somewhat curious) interest is eunuchs: although limited to one title, scholia 1.14.a–d are surprisingly detailed and drawn out given the brevity of the law at hand. Deaconesses are also curiously highlighted in five instances (1.28.b, 1.37.a, 9.29.f, 9.30.b, 9.30.d). There is in addition a broad interest in defining the clerical caste and emphasizing its status, privileges,

34 The one general survey of the issue remains S. Troianos, *H ελληνική νομική γλώσσα* (Athens, 2000); also particularly useful are N. van der Wal, "Die Schreibweise der dem lateinischen entlehnten Fachworte in der frühbyzantinischen Juristensprache," *Scriptorium* 37 (1983): 29–53; N. van der Wal, "Les termes techniques grecs dans la langue des juristes byzantins," *Subseciva Groningana* 6 (1999): 127–42; L. Burgmann, "Λέξεις ῥωμαϊκαί: Lateinische Wörter in byzantinischen Rechtstexten," in *Lexicographica byzantine: Beiträge zum Symposium zur byzantinischen Lexikographie* (Wien, 1–4.3.1989), ed. W. Hörandner and E. Trapp (Vienna, 1991), 61–79. Troianos, however, is guarded in many of his conclusions, and the matter requires further exploration.

35 On this quality broadly, see Wagschal, *Law and Legality* (n. 3 above), 73–77, 83–87, et passim.

36 To be fair, they evince a certain regularity inasmuch as most, if not all, of the legal texts (the *κείμενα* of *RP*) receive at least some rubrical treatment. Further, the largest texts tend to enjoy the best coverage, as we might expect (e.g., NC14 2.1, 9.1)—i.e., precisely where headings in the margin are most useful. However, even in these cases the selection of what is highlighted is idiosyncratic, and some major texts are very sparsely treated (especially near the end: e.g., NC14 11.1, 13.5).

and honors (1.2.4.a, 1.30.a–b, 1.31.a, 2.1.e, 9.1.b–e, 9.1.j, 9.1.m, 9.1.r, 9.6.b, 10.5.a).

This last focus is also an example of concern for definition, a classical legal-doctrinal preoccupation. Other legal concerns can be identified throughout the Gloss. The most common are simple indications of *ἐναντία* (contradictions). The majority indicate contradictions among the laws themselves (1.8.a, 1.28.a, 2.1.f, 2.2.f, 7.1.a, 9.6.a, 9.27.b, 9.34.a), although one highlights a conflict between the laws and canons (1.11.a), and another notes contradictions among both laws and canons (4.10.a). Conversely, in a few other cases, special emphasis is placed on the harmony of the laws with canonical regulations (8.14.a; cf. 9.1.l). Interestingly, the scholiast rarely elaborates on the contradictions (or harmony) and never attempts to resolve them—they are simply remarked.

Juridical principles are another characteristically legal concern. There are two such examples. In the first case, in 9.1.f, the scholiast simply repeats a principle stated within the main text: that one is able to waive one's own rights (although the scholiast supplies *δικαίων* [rights], elided in the NC14).³⁷ The second case, 9.1.v, is more interesting, at it shows more abstraction. The text notes that “[bishops from the provinces in Constantinople make use of the courts in the capital] unless a case began in the countryside, for then it is there fulfilled.”³⁸ Next to this last, the scholiast quotes the more general rule (originally Digest 5.1.30) *ὅτι ὅπου ἡ κατάραξις τῆς δίκης ἐκεῖ καὶ τὸ πέρας* (where a lawsuit begins, there it ends), in a form similar to that found in the *Basilica*.³⁹

Another characteristically legal-doctrinal preoccupation is careful distinction-making. The most obvious examples are the many schematic topical scholia, which serve to highlight distinctions already present in the text (e.g., 2.2.g, 7.1.b, 9.26.b–c). There is also one example where the scholiast appears to draw a significant distinction on his or her own: in 8.14, the civil law notes *εἰ δὲ [κληρικός] . . . κατηγορηθεὶς ἀποδειχθῇ συνασαστρεφόμενος ἀσέμνως αὐτῇ, καθαιρεῖσθω* (if a cleric, having been accused, is proven to have been living in an unseemly way with a woman, let him be deposed).

37 Wording almost identical to that of the Nomocanon can be found in *Basilica* scholion 41.1.70 (2) (H. Scheltema et al., eds., *Basilicorum libri LX, Series A.1–8* [text]; *Series B.1–9* [scholia] [Groningen, 1953–1988]).

38 *RP* 1.117.

39 *Ἐνθα ἢ προκάταρξις, ἐκεῖ καὶ τὸ πέρας* (*Basilica* 7.5.29).

The scholiast, however, remarks (8.14.b): *ση[μείωσαι] τὸ ἀσέμνως* (Note: “in an unseemly way”). The scholiast is effectively pointing out that the law is requiring that not simply living with a woman, but *unseemly* living with a woman, is required for the condemnation—a rather fine distinction, and one that we may doubt captures the spirit of the law in question!

This last observation raises the question of whether there are any (other) points where the scholiast seems to evince some level of legal-interpretive creativity and/or otherwise make an important or original substantive contribution to the interpretation of church law as a whole. On the face of it, the tentative answer must be “no.” However, there are a few scholia that come close. Perhaps the most dramatic example is a case where the scholiast doesn't so much make a bold interpretive move as amplify one that has already been made. In NC14 1.2, we find the scholion (1.2.a): *ὅτι οἱ κανόνες τῶν δ' συνόδων κρατοῦσιν ὡς αἱ θεῖαι γραφαί* (That the canons of the four synods have authority as the divine scriptures). If we look at the text of the NC14 to which this is attached, we read *ἢ γ' διάταξις τοῦ β' τίτλου τῶν νεαρῶν τοὺς τῶν δ' συνόδων κανόνας θέλει κρατεῖν καὶ τὸ δόγματα αὐτῶν ὡς τὰς θείας γραφάς* (the third law of the second title of the new laws [Novels] wishes that the canons of the four synods and their dogmas should have authority as the divine scriptures). This sentence is an important—and dramatic—misreading of Novel 131.1. That Novel states that the canons are to have the force of *laws*, while the teachings/decrees of the councils are to be accepted as sacred scriptures. Within the Novel, it is very clear that a distinction is being made between the dogmas and canons, and that only the former have the force of scripture.⁴⁰ The author of the

40 The text of the Novel is as follows: *θεσπιζομεν τοίνυν, τάξιν νόμων ἐπέχειν τοὺς ἁγίους ἐκκλησιαστικούς κανόνας τοὺς ὑπὸ τῶν ἁγίων τεσσάρων συνόδων ἐκτεθέντας ἢ βεβαιωθέντας, τουτέστι τῆς ἐν Νικαίᾳ τῶν τιη' καὶ τῆς ἐν Κωνσταντινουπόλει τῶν ἁγίων ρν' πατέρων καὶ τῆς ἐν Ἐφέσῳ πρώτης, ἐν ἣ Νεστορίου κατεκρίθη, καὶ τῆς ἐν Καλχηδόνι, καθ' ἣν Εὐτυχῆς μετὰ Νεστορίου ἀνεθεματίσθη. τῶν γὰρ προειρημένων ἁγίων δ' συνόδων καὶ τὰ δόγματα καθάπερ τὰς θείας γραφάς δεχόμεθα καὶ τοὺς κανόνας ὡς νόμους φυλάττομεν.* (We decree that the holy ecclesiastical canons either set forth or confirmed by the four holy synods are to have the rank of laws—that is, the canons of the synod in Nicaea of the 318 fathers, and the synod in Constantinople of the 150 fathers, and the first synod in Ephesus, in which Nestorius was condemned, and the synod in Chalcedon, at which Eutyches along with Nestorius was anathematized. Of these aforesaid holy four synods, we receive their dogmas as the divine scriptures and we keep their canons as laws.)

NC14, however, rather deftly elided this distinction, and thereby increased the status of the canons considerably.⁴¹ The scholiast, in turn, has placed something of an exclamation point next to this elision.

In a second scholion in the same chapter (1.2.b), *ὅτι οἱ κανόνες ἢ ὡς νόμοι κρατοῦσι ἢ ἄρχουσι τῶν νόμων* (That the canons—either have the authority as laws—or take precedence over the laws), the scholiast now simplifies, and so again amplifies, the adjoining text. Here the NC14 text states *τοῖς κανόνσιν οἱ νόμοι ἀκολουθοῦσι* (the laws follow the canons), and that *οἱ τοῖς κανόνσιν ἐναντιούμενοι πραγματικοὶ τύποι ἄκυροί εἰσιν* (pragmatic sanctions that contradict the canons are invalid). But neither exactly says that the canons “take precedence” (*ἄρχουσι*) over the laws in general, as per the scholion. The scholiast has subtly heightened and generalized the authority of the canons.

In one case a scholion directly queries an assertion in the NC14. In 9.1, the author of the Nomocanon makes the general statement that “Both the laws and the canons forbid a cleric from taking an oath[.]”⁴² The scholiast (9.1.c), however, notes that *οὐχ εὕρισκομεν κανόνα κωλύοντα κληρικούς ὁμνύειν, μήποτε οὖν ἡ παρούσα νομοθεσία ἀπέιδεν πρὸς τὸ ὑπὸ Κυρίου ἐν εὐαγγελίοις εἰρημένον περὶ τοῦ μὴ ὁμνύειν τινὰ καὶ ἄντι τῆς ἁγίας γραφῆς κανόνος ἐμνήσθη* (We do not find a canon forbidding clerics from swearing oaths, unless perhaps the present legislation referred to what is said by the Lord in the Gospels regarding not swearing, and has made mention of “canon” in place of the holy scripture).

W. Kroll and R. Schöll, eds., *Corpus iuris civilis volumen tertium—Novellae* (Berlin, 1895), 654–55. The NC14 text is itself a modification of the paraphrase of the Novels whence many of the NC14 Novel extracts are derived: the third section of the *Collectio Tripartita*—itself a more or less straight copy of the first three titles of the sixth-century *Syntagma* of Athanasius. The *Tripartita* reads in this section: *οἱ ὑπὸ τῶν δ’ συνόδων τῶν ἐν Νικαίᾳ καὶ Κωνσταντινουπόλει καὶ ἐν Ἐφέσῳ καὶ ἐν Χαλκηδόνι τεθέντες ὅροι νόμων τάξιν ἐχέτωσαν καὶ τὰ δόγματα αὐτῶν ὡς αἱ θεόπνευστοι τιμάσθωσαν γραφαί* (*Tripartita* 3.2.3.1: Let the resolutions set forth by the four synods—those in Nicaea and Constantinople and Ephesus and Chalcedon—have the rank of laws and let their dogmas be honored as of the divinely inspired scriptures). Note that the NC14 paraphrase retains something of the grammatical order of this latter.

41 On the general “scripturalization” of the canons in the Byzantine tradition, see D. Wagschal, “The Orthodox Tradition [Early Modern Period],” in *The Oxford Encyclopedia of the Bible and Law*, ed. B. Strawn (Oxford, 2015), 245–53.

42 *καὶ οἱ νόμοι γὰρ, καὶ οἱ κανόνες κωλύουσι κληρικὸν ὁμνῆναι* (RP 1.167).

Not surprisingly, this useful and substantive comment survives into Balsamon’s commentary.⁴³

A final area of interest in the Gloss is the moments where the scholia slip into a kind of editorializing, offering qualitative or moral reaction to the text.⁴⁴ The most notable are four cases where texts are noted as *ξένον* (strange; 2.1.r, 9.25.b, 13.21.e, 13.21.g). The point at issue is not always clear, as there are slight variations in where the scholion is placed on the manuscript page—but but all are interesting.

In the first instance, 2.1.r, the issue may be that the scholiast is surprised that local churches would be prioritized over other institutions when the ultimate recipient of ambiguous legacies is being determined; alternatively, and more likely, the scholiast expresses a lawyer’s surprise at the suggestion, in a case in which a dying person might intend one thing and say another, that *τότε γὰρ τὸ ἀληθὲς καὶ οὐ τὸ γεγραμμένον κρατεῖ* (at that time the truth, and not what was written, should have authority).

The reference of the second instance, 9.25.b, is quite clear. Here the law states that those who engage in magic for the healing of bodies or benefit of crops are *not* to be punished. The scholiast notes this as *πάννυ ξένον* (very strange), and Balsamon too is quick to point out the contradiction of this notion with (other) laws and canons.⁴⁵ Balsamon also emphasizes that this portion of the text had been omitted in the *Basilica*.

A remark that similarly evinces the scholiast’s distance from the time and place of the original legal text can be detected in scholion 13.21.e. Here it is labeled *ξένον* that participation in Olympic and other athletic games does not result in dishonor (*ἀτιμοποιός* [i.e., *infamia*]).

The final instance, at 13.21.g, is again a little unclear as to its force. It is voicing either surprise at the law that a man is to be considered a *πορνοβοσκός* (brothel keeper) if he does not divorce his fornicating wife or, more likely, surprise at the exception that this does not apply if the man merely suspects his wife of fornication.

Beyond these *ξένα* phrases, there are other intriguing moments of color commentary. In one case (2.1.k) the scholiast notes that the prohibition of stipulating (contracting) for sacred things is *ἀναγκαῖον λίαν* (very

43 RP 1.168.

44 See Wagschal, “Canonical Scholia” (n. 6 above), 37–39, for more discussion of this type of color commentary.

45 RP 1.189.

necessary), which is another example of the Gloss's broad interest in the definition of the sacred. Elsewhere (3.22.a) the scholiast has remarked ση[μείωσαι] τὴν παραφυλακὴν (note the deterrence) of the law that states that those who kill themselves to escape a punishment (but not because of disease or "hatred of life") are punished in the same way as those who kill another. Later, at 9.1.aa, the scholiast's concern for rank/ranking reemerges when it is remarked καὶ ἐνταῦθα τὴν τάξιν (here too, the order), in reference to a hierarchical schematization of the order of clerical judgment (bishops are judged by metropolitans, metropolitans by patriarchs, etc.). Near the end of the collection, at 13.3.a, the scholiast wonders (critically?) at the strictness of the legislation: ση[μείωσαι] τὴν ἀκρίβειαν (note the strictness). The rule at hand describes the stringent certifications necessary to attest to the death of a soldier before his wife can remarry. The remark seems especially occasioned by the provision that the various military officials must testify τῶν ἁγίων εὐαγγελίων προκειμένων (before the holy Gospels). Beyond these examples, several other instances of this type of commentary can be noted.⁴⁶

Edition

Selection of Scholia

The aim of this edition is to make accessible a series of marginalia that, by their frequency and regularity in the pre-twelfth-century manuscript tradition (i.e., before Balsamon's commentary), seem to have subsisted, at least by the tenth century, as a quasi-unified textual apparatus to the NC14. This edition does not attempt to establish the oldest or ur-form of the text through traditional stemmatic analysis of variants to establish the best witnesses. This is in part because the interest of this edition lies less in determining any putative "original" than in understanding how the text was distributed and encountered in the extant manuscript tradition. But it is also because the variants in the scholia are relatively few (and, given abbreviations, not always certain); and while the most persistent or semantically significant are indicated in the Notes below, they are probably not sufficient to develop a meaningful stemma—at least not on their own.

Instead of an urtext, therefore, this edition seeks to provide a synthesized survey of how these scholia

appear across the pre-twelfth-century manuscript tradition. Therefore the priority of the edition has been to survey as many relevant manuscripts as possible and catalogue the number and location of the scholia present.

Manuscripts

The manuscripts surveyed include virtually all extant pre-twelfth-century (i.e., pre-commentary) manuscripts with the "plain" nomocanon structure⁴⁷ (i.e., not including the reworkings of Michael/Theodore, although including their model, Jerusalem, Πατρ. Βιβλ. Παν. Τάφ. 24). It also includes a significant sampling of post-eleventh-century representatives, with particular attention to the twelfth century.

The manuscripts surveyed are listed in table 1 (with dates from *RHBR*, unless otherwise noted). The basic criteria for including a scholion in the Gloss are that the scholion is present in at least half of the tenth-century manuscripts—in practice, it is usually present in at least 75 percent of them—and is also present in approximately half or more of *all* surveyed manuscripts.⁴⁸ Only true, extant instances have been catalogued—not suspected instances (e.g., when the relevant page is torn or missing)—so the list should be regarded as conservative.

Within the manuscripts, the appearance of the scholia of the Old Gloss is generally unremarkable. In the earlier manuscripts, they are sometimes in semiuncial, either wholly or in part.⁴⁹ In some manuscripts most scholia are accompanied by an initial ση[μείωσαι]; elsewhere these are only variably present. Where ση[μείωσαι] appears more regularly, these indicators have been included in the edition below, but the reader should be aware that their presence is unpredictable. Annotation marks usually emerge with regularity only where difficulty in locating a scholion directly alongside the relevant passage requires their use; not surprisingly, they are most common in two-column layouts.⁵⁰ Lengthier scholia, particularly the schematic scholia, are occasionally placed at the nearest top or bottom margin. None of the scholia identified as part of the Gloss is interlinear.

47 I am aware of only one that I have not been able to access: Athens, Μετόχιον Παναγίου Τάφου, MS 635 (eleventh century).

48 In some cases, especially for smaller scholia, I have been more relaxed in the application of the latter criterion.

49 See above, n. 26.

50 For example, see Rome, Bibl. Vall., C.11.1; Vatican, Bibl. Ap. Vat., gr. 2060; Venice, Bibl. Marc., app. gr. III.17.

46 See 2.1.m, 2.1.u, 13.18.b, 13.23.a.

Table 1. Manuscripts Surveyed

Abbreviation	Name	Century or Year	Abbreviation	Name	Century or Year
Ath	Athens, Ἑθνικὴ Βιβλιοθήκη τῆς Ἑλλάδος, Grec. 1370	tenth	R	Oxford, Bodleian Library, Rawlinson G.158	fourteenth
B	Oxford, Bodleian Library, Barocchi 185	eleventh	S	Mount Sinai, Μονὴ τῆς ἁγίας Αἰκατερίνης, gr. 1111	eleventh
B ₁	Oxford, Bodleian Library, Barocchi 196	1042 ^a	S ₁	Mount Sinai, Μονὴ τῆς ἁγίας Αἰκατερίνης, gr. 1112	tenth/ eleventh
Barb	Vatican, Biblioteca Apostolica Vaticana Barberini, gr. 578	eleventh/ twelfth	S ₂	Mount Sinai, Μονὴ τῆς ἁγίας Αἰκατερίνης, gr. 1113	eleventh ^c
F	Florence, Biblioteca Laurenziana, Plut. 10.10 ^b	eleventh	Sel	Oxford, Bodleian Library, Selden B. 55	thirteenth
J	Jerusalem, Πατριαρχικὴ Βιβλιοθήκη, Παναγίου Τάφου 24	tenth	Sof	Sofia, ТѢстѣ "Prof. Ivan Dyichev," gr. 21	twelfth
J ₁	Jerusalem, Πατριαρχικὴ Βιβλιοθήκη, Τιμίου Σταυροῦ 2	tenth	T	Turin, Biblioteca Nazionale Universitaria, B.2.26	tenth
L	Oxford, Bodleian Library, Laudian gr. 39	tenth	V	Vatican City, Biblioteca Apostolica Vaticana, gr. 829	thirteenth/ fourteenth
M	Munich, Bayerische Staatsbibliothek, gr. 380	twelfth/ thirteenth	V ₁	Vatican City, Biblioteca Apostolica Vaticana, gr. 1981	eleventh ^d
Mos	Moscow, Gosudarstvennyi Istoricheskii Muzei, Sin. gr. 467	1040/41	V ₂	Vatican City, Biblioteca Apostolica Vaticana, gr. 2060	ca. 1100–1115 ^e
N	Naples, Biblioteca Nazionale, II.C.4	thirteenth	V ₃	Vatican City, Biblioteca Apostolica Vaticana, gr. 2184	twelfth/ thirteenth
P	Paris, Bibliothèque nationale de France, gr. 1320	eleventh	Val	Rome, Biblioteca Vallicelliana, C.11.1	twelfth ^f
P ₁	Paris, Bibliothèque nationale de France, gr. 1324	1104	Ve	Venice, Biblioteca Nazionale Marciana, gr. 170	fourteenth ^g
P ₂	Paris, Bibliothèque nationale de France, gr. 1334	tenth	Ve ₁	Venice, Biblioteca Nazionale Marciana, app. gr. III.17	eleventh
P ₃	Paris, Bibliothèque nationale de France, suppl. gr. 614	tenth	Ve ₂	Venice, Biblioteca Nazionale Marciana, gr. 169	eleventh/ twelfth ^h
Pet	St. Petersburg, Biblioteka Rossiiskoi Akademii Nauk, gr. 66	tenth	W	Vienna, Österreichische Nationalbibliothek, hist. gr. 70	fourteenth ⁱ

a H. Coxe, *Greek Manuscripts: Quarto Catalogues*, vol. 1 (Oxford, 1853; repr. 1969 with corrections), 336.

b The microfilm available to me for this manuscript was poor, and the scholia complex; future research may reveal more scholia of the Gloss than captured below.

c V. Beneshevich, *Kanonicheskiĭ Sbornik XIV Titulov so vtoroi chetverti VII veka do 883 g.* (St. Petersburg, 1905), 126 ("10th–11th [century]").

d "Late eleventh," as per J. Morton, *Byzantine Religious Law in Medieval Italy* (Oxford, 2021), 88, 248.

e Between ca. 1100 and 1115, as per Morton, *Religious Law*, 103–5, 243; cf. Beneshevich, *Sbornik*, 127 ("12th century").

f J. Morelli, *Bibliotheca Manuscripta Graece et Latina*, vol. 1 (Venice, 1802), 89.

g Morton, *Religious Law*, 104, 245; cf. *RHBR* (L. Burgmann et al., eds., *Repertorium der Handschriften des byzantinischen Rechts*, 3 vols. [Frankfurt, 1995–2017]), 2:214, "13th [century]"; Beneshevich, *Sbornik*, 128: "(twelfth?) thirteenth century."

h H. Hunger, *Katalog der griechischen Handschriften der Österreichischen Nationalbibliothek*, vol. 1, *Codices historici, codices philosophici et philologici* (Vienna, 1961), 78.

Arrangement

Number: Each scholion is assigned a reference by title and chapter of the NC₁₄, and then a lowercase Latin letter. E.g., scholion 9.16.e would be scholion e (the fifth scholion) to the sixteenth chapter of the ninth title of the NC₁₄.

Rhalls-Potles Reference: Location references have been given to volume 1 of the Rhalls-Potles (*RP*) edition of the NC₁₄. This edition has been chosen because of its widespread availability, its inclusion of the commentary of Balsamon, and its general ease of use (in contrast to Pitra). References are given by page and line number. Line numbers count only text of the Nomocanonical κείμενα, exclusive of any titles, headings, or other text. While the text to which a scholion refers is often clear enough, the reader should bear in mind that the precise location of scholia can vary from manuscript to manuscript. The most important variations have been noted. One should also remember that the text of the Nomocanon in *RP* (as in Pitra) is derived from the recension of Balsamon, and therefore dates to a later stage in the development of the NC₁₄ than the scholia themselves. However, it seems that the original content of the Nomocanon text is quite stable across the different recensions, so in only a few cases (scholia 1.2.a, 2.1.g, 2.2.a, 9.1.i), discussed below, were differences of text noted.

Manuscript century categorizations: If the century of a manuscript is uncertain, the latest date is used.

Scholia

Scholion 1.2.a

RP reference: 36.1

ὅτι οἱ κανόνες τῶν δ' συνόδων κρατοῦσιν ὡς αἱ θεῖαι γραφαί.

That the canons of the four synods have authority as the divine scriptures.

10TH C: Ath J J₁ L P₂ P₃ Pet | 11TH C: B F Mos P S Ve₁ | 12TH C: Sof V₂ Val Ve₂ | 13TH/14TH C: M N R Ve

NOTES: δ' om. J. Note that the NC₁₄ text of *RP* and Pitra has been updated, as per the Balsamonic recension, to read “seven synods.” In earlier recensions the text reads “four.”

Scholion 1.2.b

RP reference: 36.6

ὅτι οἱ κανόνες – ἢ ὡς νόμοι κρατοῦσι – ἢ ἄρχουσι τῶν νόμων.

That the canons—either have authority as laws—or take precedence over the laws.

10TH C: Ath J J₁ L P₂ P₃ Pet | 11TH C: B B₁ Mos P S V₁ Ve₁ | 12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C: M N R Ve W

NOTES: Normally schematic in form. νόμοι] νόμιμοι Pet.

Scholion 1.3.a

RP reference: 38.1

πότε τὸ ἔθος ὡς νόμος ἰσχύει καὶ πότε οὐ.

When custom has the force of law and when it does not.

10TH C: J L P₃ Pet | 11TH C: B B₁ F Mos P S V₁ Ve₁ | 12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N Ve

Scholion 1.5.a

RP reference: 42.ο [normally alongside of κεφάλαιον text itself]

ση ὅτι ὅλον τὸ κεφάλαιον τοῦτο περὶ τάξεως ἐπισκόπων καὶ προνομίων καὶ πρεσβείων διαλαμβάνει καὶ οἱ κανόνες περὶ ἐτέρων διαλαμβάνωσι ὡς ἐν ἐκάστῳ ἐπεσημηνάμεθα

Note that this entire chapter treats the order of bishops and privileges and prerogatives even if the canons treat other things, as we indicated in each.

10TH C: Ath J₁ P₃ Pet | 11TH C: B F P S V₁ Ve₁ | 12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C: M N R V₃ Ve

NOTES: This scholion is unusual both in that it appears to be referring to the chapter title itself, and not the civil laws, and also for its use of the first-person plural (although see also scholion 9.1.c). Did this scholion originate with the composer of the Coll₁₄ itself? And what does the scholiast mean by “in each”?

Scholion 1.5.b*RP* reference: 42.3

ση ὅτι πασῶν τῶν ἐκκλησιῶν κεφαλὴ ἐστὶν ἡ
Κωνσταντινούπολις

Note that Constantinople is the head of all of the
churches.

10TH C: J L P₃ | 11TH C: B P S Ve₁ | 12TH C: Barb Sof
V₂ Val | 13TH/14TH C: M N R V₃ Ve

Scholion 1.5.c*RP* reference: 42.7

ση ὅτι ὁ Κωνσταντινουπόλεως τῶν ἄλλων ἔχει τὴν
προεδρίαν.

Note that Constantinople has precedence over
the others.

10TH C: Ath J J₁ P₃ Pet T | 11TH C: P S S₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R V₃

Scholion 1.5.d

RP reference: 42 [generally to the latter half of
κείμενον]

ἐν τῷ ια' τιτ. τῆς INSTITUTIONOS λέγει τὴν
βασίλειδα ταύτην πόλιν κεφαλὴν εἶναι πασῶν τῶν
πόλεων καὶ ἀνάγκην ἔχειν πάσας τὰς ἐπαρχίας αὐτῆς
καὶ τοῖς ἔθεσιν αὐτῆς ἀκολουθεῖν.

In the eleventh title of the Institutes it says that
this queen city is the head of all the cities and that
all her provinces must follow her customs.

10TH C: J P₃ Pet T | 11TH C: B₁ S Ve₁ | 12TH C:
Barb Sof Val Ve₂ | 13TH/14TH C: N Ve

NOTES: The reference is to Institutes 4.11.7. In the
manuscripts this scholion is sometimes pushed
to the next chapter, but it clearly belongs with
scholion 1.5.

Scholion 1.8.a*RP* reference: 46.1

πῶς κελεύουσι αἱ διατάξεις τὰς χειροτονίας γίνεσθαι
καὶ ὅτι διαφωνοῦσιν τινες.

How the laws command ordinations to be per-
formed and that some are in contradiction.

10TH C: J L P₃ Pet T | 11TH C: B F P S S₁ | 12TH C:
Barb Ve₂ | 13TH/14TH C: M N R W

Scholion 1.11.a*RP* reference: 51.1

ση ὅτι ἀντινομοθετεῖ ἡ διάταξις τῷ κανόνι.

Note that the law legislates contrary to the canon.

10TH C: Ath J L P₂ P₃ Pet | 11TH C: B P S | 12TH C:
Barb | 13TH/14TH C: M N R Ve

Scholion 1.14.a*RP* reference: 53.1

περὶ εὐνούχων

Regarding eunuchs.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B Mos S S₁ |
12TH C: Sof V₂ Ve₂ | 13TH/14TH C: N V₃ Ve

Scholion 1.14.b*RP* reference: 53.1

ὅτι ὁ ἑαυτὸν [sc. ἢ ἐτέρους] εὐνουχίζων – ἢ κεφα-
λικῶς τιμωρεῖται – ἢ δημεύσει καὶ ἐξορίᾳ – ἢ
ταυτοπαθείᾳ

That he who castrates himself or others—is either
subject to capital punishment—or by confiscation
and exile—or with the same punishment.

10TH C: Ath J J₁ L P₃ Pet | 11TH C: B B₁ P S S₁ Ve₁ |
12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M N R V₃ Ve

NOTES: Normally in schematic form.

Scholion 1.14.c*RP* reference: 53.3

ὅτι παρὰ Ῥωμαίοις οὐδεὶς κατὰ νόμους εὐνουχίζεται

That among the Romans no one may be castrated
lawfully.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B F Mos P S
Ve₁ | 12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M N R Ve

Scholion 1.14.d*RP* reference: 53.5

ὅτι ὁ εὐνουχισθεὶς παρ' ἡμῖν ἐλευθεροῦται δοῦλος.

That a slave who has been castrated among us is
freed.

10TH C: J J₁ L P₃ Pet T | 11TH C: B Mos P S Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R V₃ Ve

Scholion 1.20.a*RP* reference: 57.1

ποῖαι ἐπαρχίαι δύο μητροπολίτας ἔχουσι

Which provinces have two metropolitans.

10TH C: Ath J J₁ L P₃ Pet T | 11TH C: B B₁ P S S₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.20.b*RP* reference: 57.4

ποῖοι ἐπίσκοποι β' πόλεων καὶ πλειόνων προνοοῦσιν.

Which bishops have care of two cities or more.

10TH C: Ath J J₁ L P₃ Pet T | 11TH C: B P S V₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.20.c*RP* reference: 57.8

ὅτι ἡγούμενος οὐ γίνεται [sc. τις] δύο μοναστηρίων.

That one does not become the abbot of two monasteries.

10TH C: Ath J J₁ P₃ Pet T | 11TH C: B B₁ F P S V₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.23.a*RP* reference: 59.2

ὅτι ὁ χειροτονούμενος κληρικὸς ἢ παρθένος ἔστω ἢ ἐκ παρθενίας παρθένον ἀγέσθω.

Let he who is being ordained a cleric either be a virgin or let him, from of a state of virginity, marry a virgin.

10TH C: Ath J J₁ L P₃ Pet T | 11TH C: B Mos P S V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N Ve

Scholion 1.24.a*RP* reference: 61.11

ση ὅτι ἐξουσίαν ἔχουσι οἱ κληρικοὶ τῇ ἐκκλησίᾳ προσφέρειν· ἀλλ' οὐ διὰ τὸ χειροτονηθῆναι ἢ προβληθῆναι.

Note that clergy may donate to the church, but not in order to be ordained or promoted.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B S Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N Ve

NOTES: ἢ προβληθῆναι om. Ath B N P₂ Pet S T.

Scholion 1.28.a*RP* reference: 65.1

ἐναντίας διατάξεις περὶ χειροτονίας.

Contradictory laws on ordination.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ F S S₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.28.b*RP* reference: 66.2

περὶ διακονίσσης

Regarding a deaconess.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.28.c*RP* reference: 66.6

ση ὁ χειροτονούμενος – εἰ μὲν ἐπίσκοπος λε' ἐτῶν ἔστω ἢ λ' – εἰ δὲ πρεσβύτερος λ' ἐτῶν – εἰ δὲ διάκονος κε' ἐτῶν – εἰ δὲ ἀναγνώστης η' ἐτῶν.

Note: he who is being ordained—if a bishop, let him be thirty-five years old—if a priest, thirty years old—if a deacon, twenty-five years old—if a reader, eight years old.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F P S |
12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M N R Ve

NOTES: Normally in schematic form. Note that “eight years” is the normal reading of the scholion, as it is generally of the text as well. But even the medieval commentators remarked the obvious alternate of “eighteen,” i.e., ιη' vs. η'. See Balsamon in *RP* 1.66.

Scholion 1.30.a*RP* reference: 69.1

ση ἐκ τῶν διαφόρων διατάξεων τὸν ἀριθμὸν τῶν ἐν ταῖς ἐκκλησίαις λειτουργῶν καὶ μάλιστα ἐν τῇ μεγάλῃ ἐκκλησίᾳ.

Note from the various laws the number of officiants in the churches and especially in the Great Church.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B S | 12TH C:
Barb | 13TH/14TH C: M N R Ve

Scholion 1.30.b*RP* reference: 69.10

τὸν τύπον τοῦ δεσπότη τοῦ Ἡρακλείου περὶ λειτουργῶν
καὶ οὗτος δὲ ἐκαινίσθη διὰ κελεύσεως γενομένης πρὸς
Σέργιον τὸν ἁγιώτατον πατριάρχην.

The *typos* of the lord Heraclius regarding offici-
ants, and this was renewed through the ordinance
addressed to Sergius, the most holy patriarch.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B Mos S V₁ |
12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M R Ve

NOTES: ἁγιώτατον om. T Ve₂.

Scholion 1.31.a*RP* reference: 70.1

ση ποίους διάταξις φησι κληρικούς.

Note the types of clergy the law indicates.

10TH C: Ath J P₃ Pet T | 11TH C: B S | 12TH C: Barb
V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.32.a*RP* reference: 73.1 [can be lower, including at very end]

σχό[λιον]· τὴν δύναμιν τῆς τοιαύτης διατάξεως εὐρί-
σκεις ἐν τῷ τέλει τοῦ α' κεφαλαίου τοῦ ια' τίτλου τοῦ
πάροντος συντάγματος ἐνθα εἴρηται περὶ τῆς μοιχευ-
θείσης καὶ μοναστηρίῳ ἐμβληθείσης.

Scholion: the content of this law you will find at
the end of the first chapter of the eleventh title of
the current collection, where it speaks of a woman
who has committed adultery and has been cast
into a monastery.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos P S | 12TH C:
Barb Sof V₂ Val Ve₂ | 13TH/14TH C: M N R Ve

NOTES: This is a curious scholion; it is the only scho-
lion to consistently have a σχό heading (although
see scholion 2.1.p) and one of the few addressing the
reader in the second person (aside from the generic
σημείωσαι referents). The reference is to the end of
NC14 11.1 (*RP* 1.252), but the number (ια') and title
abbreviation are almost always garbled in the extant
manuscripts, either as α' τίτ. (e.g., Ath, B, S) or αὐτοῦ
(e.g., Barb, P₃), or they are simply missing (e.g., Sof);
for an exception, see R.

Scholion 1.36.a*RP* reference: 77.8

ση ὅτι ἐπισκόπη ἐλευθεροὶ καὶ δοῦλον καὶ
ἐναπόγραφον.

Note that the episcopate may free both a slave and
an *adscripticius*.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 1.37.a*RP* reference: 81.0 [to the kephalaion]

περὶ καθόλου διακονισσῶν ὁ κανὼν καὶ ἁμαρτανου-
σῶν καὶ χειροτονουμένων

The canon is in general about deaconesses, both
sinning and being ordained.

10TH C: Ath J L P₃ Pet T | 11TH C: B S | 12TH C:
Barb Sof V₂ Val Ve₂ | 13TH/14TH C: N R V₃ Ve

Scholion 2.1.a*RP* reference: 82.1

περὶ τῶν δωρουμένων τί ἐφ' ᾧ κτισθῆναι μαρτύριον
τινὶ ἁγίῳ

Regarding those who make a donation for the
foundation of a martyrion to a certain saint.

10TH C: Ath J L P₃ Pet T | 11TH C: B F S V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.b*RP* reference: 82.9

περὶ ξενοδοχείων καὶ νοσοκομείων καὶ πτωχείων

Regarding [charitable] guesthouses and houses for
the sick and houses for the poor.

10TH C: Ath J L P₃ Pet T | 11TH C: B S S₁ V₁ | 12TH C:
Barb Sof V₂ Val Ve₂ | 13TH/14TH C: M N R Ve

Scholion 2.1.c*RP* reference: 83.1

ση περὶ τῶν εὐσεβῶν ποιουμένων διατύπωσιν

Note—regarding those who make a pious bequest.

10TH C: Ath J L P₃ Pet T | 11TH C: B | 12TH C: Barb
Sof V₂ Val Ve₂ | 13TH/14TH C: M N R

Scholion 2.1.d*RP* reference: 83.6

ση ἐντὸς πόσου χρόνου ἀναγκάζεται ἐκκλησίαν πλη-
ροῦν ὁ κτίστης καὶ ξενῶνα ποιεῖν καὶ τί γίνεται ἐὰν
ὕστερήσῃ

Note within how much time the founder is com-
pelled to complete a church or a guesthouse, and
what happens if he is delinquent.

10TH C: Ath J L P₃ Pet T | 11TH C: B S S₁ V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.e*RP* reference: 83.14

ποῖαν ἐξουσίαν καὶ ἀδείαν ἔχει ὁ ἐπίσκοπος καὶ ποῖαν
ὁ μητροπολίτης

What authority and license to act the bishop has,
and what the metropolitan has.

10TH C: Ath J L P₃ Pet | 11TH C: B S V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

NOTES: καὶ ἀδείαν om. Barb P₃.

Scholion 2.1.f*RP* reference: 86.3

ἐναντίωσιν περὶ τὸν χρόνον τῆς γ' διάτ. πρὸς τὴν με'

A contradiction regarding the time indicated in
the third law and in the forty-fifth law.

10TH C: Ath J P₃ Pet T | 11TH C: B P S S₁ V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.g*RP* reference: 89.1

τί φησιν τὸ πρῶτον δίγιστον περὶ τῶν θείων δικαίων.

What the first *digeston* says regarding divine rights.

10TH C: Ath J P₃ Pet T | 11TH C: B S | 12TH C: Barb
Sof V₂ Val | 13TH/14TH C: M N R Ve

NOTES: The scholia's use of *digeston* reflects the nor-
mal earlier shape of the NC₁₄ text, where Latin is
retained in naming the Digest fragments—i.e., the
earlier NC₁₄ text normally reads λέγει δὲ βιβλίον α'
τῶν DIGESTων τίτ. η' DIG. α' (vs. *RP*, which reads
βιβλίον α' τῶν διατάξεων τίτ. η' διατ. α').

Scholion 2.1.h*RP* reference: 89.4

ση ποῖόν ἐστιν ἱερὸν πράγμα

Note—what a “sacred thing” is.

10TH C: Ath J L P₃ Pet T | 11TH C: B S | 12TH C: Barb
Sof Val | 13TH/14TH C: M N Ve

Scholion 2.1.i*RP* reference: 89.5 [see Notes]

ὅτι καὶ πεσόντου ναοῦ μένει ὁ τόπος ἱερός.

That even if a temple falls into ruin, the place
remains sacred.

10TH C: Ath J L P₃ Pet T | 11TH C: B P S V₁ | 12TH C:
Barb Sof V₂ Val Ve₂ | 13TH/14TH C: M N R Ve

NOTES: Often this scholion is found at line 5; but it
can also appear at line 12, the source of the wording
of the scholion.

Scholion 2.1.j*RP* reference: 89.12

ση καθολικῶς περὶ ἱερῶν

Note—generally regarding sacred things.

10TH C: Ath J P₃ Pet T | 11TH C: B S | 12TH C: Barb
Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.k*RP* reference: 95.3

ση ἀναγκαῖον λῖαν

Note—very necessary.

10TH C: Ath J L P₃ T | 11TH C: F S | 13TH/14TH C:
M N Ve

Scholion 2.1.l*RP* reference: 97.6

περὶ καρποφορίας ἀναγκαῖα νόμιμα

Necessary regulations regarding offerings.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S S₁ | 12TH
C: Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.m

RP reference: 98.10/12

παρ' ὑπόνοιαν

Unexpected.

10TH C: Ath J L P₃ Pet T | 11TH C: F P S V₁ | 12TH C:
Sof V₂ | 13TH/14TH C: M N R Ve

NOTES: A rhetorical *schema* or figure indicating an unexpected turn or thought, this phrase is chiefly attested in scholia to ancient Greek literature (esp. Aristophanes).⁵¹

Scholion 2.1.n

RP reference: 98.12

ση ὅτι καὶ εἰς κληρονόμους διαβαίνει ἡ τῆς καρπο-
φορίας ἐνοχή.

Note that the obligation of an offering passes even to heirs.

10TH C: Ath J L P₃ Pet T | 11TH C: B P S V₁ | 12TH C:
Barb Sof V₂ Ve₂ | 13TH/14TH C: M N R Ve

Scholion 2.1.o

RP reference: 100.1

ση ἕως πόσου ποσοῦ ἔρρωται ἀνεμφάνιστος δωρεά.

Note to what amount an unregistered gift is valid.

10TH C: Ath J L P₃ Pet T | 11TH C: B S S₁ V₁ | 12TH C:
Sof V₂ | 13TH/14TH C: Barb N V₃ Ve

NOTES: Constructions similar to ἕως πόσου ποσοῦ are attested in another legal text, the Tipoukeitos.⁵²

Scholion 2.1.p

RP reference: 101.5

ἐπὶ τῶν εὐαγῶν οἰκῶν ἡ νεαρὰ διάταξις τὴν τῆς ἑκα-
τόντα ἐτίας παραγραφὴν ἀνελούσα τὴν τῆς τεσσαρα-
κόντα ἐτίας εἰσήγαγεν.

For houses of piety, the new law [Novel] abolished the prescription of one hundred years and introduced that of forty.

51 See, for example, the scholia to Aristophanes' *Clouds* at verses 179a or 857a. Edition: N. Wilson, ed., *Prolegomena de comoedia: Scholia in Acharnenses, Equites, Nubes*, Scholia in Aristophanem 1.1B (Groningen, 1975).

52 See 9.10; 19.7; 44.7. Edition: F. Dölger et al., eds., "Τιπούκειτος sive Librum lx Basilicorum Summarium," *Studi e Testi* 25, 51, 107, 179, 193 (Vatican, 1914–1957): 25.1–197; 51.1–226; 107.1–338; 179.1–287; 193.1–286.

10TH C: Ath J L P₃ Pet T | 11TH C: B P S V₁ | 12TH C:
Sof V₂ Ve₂ | 13TH/14TH C: M N Ve

NOTES: Prefaced by σχό[λιον] B N P Pet Sof.

Scholion 2.1.q

RP reference: 101.7

ση πόσος ἐστὶ ὁ χρόνος τοῦ μακροβίου ἀνθρώπου.

Note the lifespan of a long-lived human.

10TH C: Ath L P₃ Pet T | 11TH C: B S | 12TH C: Barb
Sof Val | 13TH/14TH C: M N R Ve

NOTES: ὅτι ρ' ἔτη add. L M R.

Scholion 2.1.r

RP reference: 101.18

ση ξένον.

Note—strange.

10TH C: Ath J L Pet T | 11TH C: B P S | 12TH C: Sof |
13TH/14TH C: N R

Scholion 2.1.s

RP reference: 101.22

ση περὶ ὁμονύμων τόπων.

Note—regarding places with the same names.

10TH C: Ath J L P₃ Pet T | 11TH C: B S | 12TH C: Barb
Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 2.1.t

RP reference: 102.3

ση περὶ τοῦ καταλιμπάνοντος καὶ τοῦ καταλιμπανο-
μένου εἰς ἀνάρρυσιν αἰχμαλώτων.

Note—regarding the bequeather and the bequest for the redemption of captives.

10TH C: Ath J L P₃ Pet T | 11TH C: B S V₁ | 12TH C:
Barb Ve₂ | 13TH/14TH C: M N R Ve

Scholion 2.1.u

RP reference: 104.11

ση ἀσφαλῶς

Note carefully.

10TH C: J L P₂ Pet T | 11TH C: B S | 13TH/14TH C:
M N R

Scholion 2.1.v*RP* reference: 104.15

ὅτι καλῶς γράφει τις κληρονόμους αἰχμαλώτους.

That one does well to name captives as heirs.

10TH C: J J₁ L P₂ P₃ Pet T | 11TH C: B P S Ve₁ |

12TH C: Barb Ve₂ | 13TH/14TH C: M N R Ve

NOTES: This scholion and the next are among the most variable in the Gloss, showing considerable variety in word order, with reversals of κληρονόμους and αἰχμαλώτους (B J J₁ Pet S T Ve) and/or γράφει and τις (J₁ P T), omission of τις (Ve₂), addition of articles to one or both of the predicates (J J₁ M N Pet R S Ve₁ Ve₂ T), and once γράφει in the second-person plural (N).

Scholion 2.1.w*RP* reference: 105.2

ὅτι καλῶς γράφει τις τοὺς πτωχοὺς κληρονόμους.

That one does well to name the poor as heirs.

10TH C: J J₁ L P₂ P₃ Pet T | 11TH C: B P S S₁ V₁ Ve₁ |

12TH C: Barb Ve₂ | 13TH/14TH C: M N R Ve

NOTES: This scholion shows a little more regularity than 2.1.v, with the text sometimes regularized toward the nomocanon text (καὶ τοὺς πτωχοὺς καλῶς τις γράφει κληρονόμους) (B P S₁ Ve₂, although normally with τις and γράφει inverted), sometimes with τις (J₁ Pet P₂ Ve₁) or καλῶς (V₁) omitted, sometimes with an article added to κληρονόμους (J₁ Pet Ve), and γράφει again once in the second-person plural (N).

Scholion 2.1.x*RP* reference: 106.11

ση καθολικῶς περὶ τοῦ καταλιμπανομένου.

Note—generally regarding bequests.

10TH C: Ath J J₁ P₂ P₃ Pet T | 11TH C: B S | 12TH C:

Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 2.1.y*RP* reference: 107.5

πότε οὐ ῥεπετιτεύεται τὸ καταλιμπανόμενον.

When a bequest is not reclaimable.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B S | 12TH C:

Barb | 13TH/14TH C: M N R Ve

Scholion 2.2.a*RP* reference: 108.1

ση πότε ἀργεῖ τῶν ἀκινήτων ἱερῶν καὶ τῶν ἄρτων ἢ ἐκποίησις καὶ ἡ ὑποθήκη.

Note when the alienation and offering as security of immovable sacred property and bread [i.e., civic bread rations] is nullified.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B S Ve₁ |

12TH C: Barb V₂ | 13TH/14TH C: M N R Ve

NOTES: The text of the NC₁₄ to which this scholia refers typically reads τῶν ἄρτων at *RP* 108.3 in the manuscripts, as does the *Tripartita* text (1.2.17) on which the NC₁₄ here is based, translating “civil rations” (πολιτικὰ σιτηρέσια) in the original law (Codex 1.2.17). The *RP* text (like Pitra and Justel) reads τῶν ἱερῶν, reflecting later recensions. We may suspect that the original meaning of “bread” in the original was lost, and hence amended.

Scholion 2.2.b*RP* reference: 108.5

ὅτι τὰ ἱερὰ σκεύη οὔτε ἐκποιῶνται οὔτε ἐνεχυράζονται εἰ μὴ διὰ λύσιν αἰχμαλώτων οὔτε δὲ χωνεύονται ὡς ἔτυχεν

That the sacred vessels are neither alienated nor taken as pledges, except for the release of captives, nor are they melted down rashly.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B F S S₁ Ve₁ |

12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

NOTES: οὔτε ἐκποιῶνται οὔτε ἐνεχυράζονται] οὔτε ἐνεχυράζονται οὔτε ἐκποιῶνται L M R.

Scholion 2.2.c*RP* reference: 108.6

δι' ὅλου

[See] throughout.

10TH C: Ath J P₂ P₃ Pet | 11TH C: B S | 12TH C: V₂ |

13TH/14TH C: N

NOTES: Normally written vertically, alongside text.

Scholion 2.2.d*RP* reference: 109.1

ση καθολικῶς περὶ ἱερῶν σκευῶν

Note—generally regarding sacred vessels.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B F R S S₁ V₁
Ve₁ | 12TH C: Barb | 13TH/14TH C: M N Ve**Scholion 2.2.e***RP* reference: 109.16

περὶ ἱεροσυλῶν

Regarding temple robbers.

10TH C: J L P₂ P₃ Pet T | 11TH C: B P S S₁ Ve₁ |
12TH C: Barb Sof Val | 13TH/14TH C: M N R V₃ Ve**Scholion 2.2.f***RP* reference: 111.1ὅτι τὸ ἐξ ἱεροῦ ιδιωτικὰ χρήματα ἀφελέσθαι οὐκ ἔστι
ἱεροσυλία ἀλλὰ κλοπή, τοῦ 1στ' DIG τούναντίον
λέγοντος.That to take private money from a temple is not
temple robbery but theft, although Digest 16
[Digest 48.19.16] says the opposite.10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B P S Ve₁ |
12TH C: Barb Sof Val Ve₂ | 13TH/14TH C: M N R Ve**Scholion 2.2.g***RP* reference: 112.1 [often at top or bottom of manu-
script page]ἢ τοῦ ἱεροσύλου ποινὴ διακρίνεται: ἀπὸ τῆς ποιότη-
τος τοῦ προσώπου – καὶ τοῦ ἁμαρτήματος – καὶ τοῦ
καιροῦ – καὶ τῆς ἡλικίας – καὶ τῆς φύσεως.The penalty for a temple robber is determined by
the status of the person—and the sin—and the
time—and age—and sex.10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B S S₁ S₂ V₁
Ve₁ | 12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M N R Ve

NOTES: Normally in schematic form.

Scholion 2.2.h*RP* reference: 112.6

τίς ἡ μεμετρημένη ποινὴ τοῖς ἱεροσύλοις

What the moderated penalty is for temple robbers.

10TH C: J J₁ L P₂ P₃ T | 11TH C: B S S₁ Ve₁ | 12TH C:
Barb | 13TH/14TH C: M N R Ve**Scholion 2.2.i***RP* reference: 112.9ποῖοί εἰσι κυρίως ἱερόσυλοι καὶ τίνες ἦττον καὶ τίνες
κλέπταιWhat type of people are properly temple robbers,
and who are less, and who are thieves.10TH C: J L P₂ P₃ T | 11TH C: B S S₁ | 12TH C: Barb |
13TH/14TH C: M N R VeNOTES: καὶ τίνες ἦττον om. B S S₁.**Scholion 2.2.j***RP* reference: 113.2περὶ τοῦ ἐμβληθέντος εἰς κιβώτιον καὶ παρατεθέντος
ἐν ἱερῷ καὶ ἐξεληθόντος καὶ ἱεροσυλήσαντος.Regarding one who has been placed in a chest
and put in a temple and comes out and commits
temple robbery.10TH C: J J₁ L P₂ P₃ Pet T | 11TH C: B S Ve₁ | 12TH C:
Barb | 13TH/14TH C: N Ve**Scholion 3.14.a***RP* reference: 117.1τί φησιν ἡ διάταξις περὶ τῶν θελόντων κτίσαι
ἐκκλησίαν.What this law says regarding those who wish to
found a church.10TH C: Ath J J₁ L P₂ P₃ Pet | 11TH C: B S₂ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M R Ve

Scholion 3.14.b*RP* reference: 118.1

περὶ ἰδιωτικοῦ τόπου ἐν ᾧ σύναξις ἐπιτελεῖται τί φησιν ἡ διάταξις.

What this law says regarding a private place in which a [religious] service is celebrated.

10TH C: Ath J J₁ P₂ P₃ Pet | 11TH C: B R S₂ Ve₁ |
12TH C: Barb | 13TH/14TH C: M

Scholion 3.22.a*RP* reference: 120.1

ση τὴν παραφυλακὴν.

Note the deterrence.

10TH C: J L P₂ P₃ Pet T | 11TH C: B S S₂ | 12TH C:
Barb | 13TH/14TH C: N

NOTES: τὴν περὶ τοῦ ἑαυτὸν ἀνελόντος (regarding the one who has killed himself) add. Barb.

Scholion 4.7.a*RP* reference: 123.1

ση πότε Ἰουδαῖος θέλων χριστιανίσαι κωλύεται.

Note when a Jew, wishing to become a Christian, is forbidden from doing so.

10TH C: Ath J J₁ L P₂ P₃ T | 11TH C: B F S S₂ V₁ Ve₁ |
12TH C: Sof V₂ | 13TH/14TH C: M N R Ve

NOTES: Ἰουδαῖος θέλων] Ἰουδαίῳ θέλοντι V₁ | θέλων] θέλει J.

Scholion 4.7.b*RP* reference: 123.5

ση περὶ ἐλλήνων βαπτιζομένων καὶ Σαμαρειτῶν.

Note—regarding the baptism of pagans, and of Samaritans.

10TH C: Ath J L P₂ P₃ T | 11TH C: B F S S₂ | 12TH C:
Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 4.10.a*RP* reference: 124.1

ση ἐναντία νόμιμα τοῖς κανόσιν καὶ ἑαυτοῖς.

Note—regulations contrary to the canons and to themselves.

10TH C: Ath L P₂ P₃ Pet T | 11TH C: B P S S₂ V₁ |
12TH C: Barb | 13TH/14TH C: M N R Ve

NOTES: Occasionally τοῖς κανόσιν and ἑαυτοῖς are reversed (P₃); a καὶ occasionally precedes τοῖς κανόσιν (e.g., L S).

Scholion 4.13.a*RP* reference: 126.3

ση διάφορα ἐπιτίμια ἐπὶ τῶν ἀναβαπτιζομένων.

Note—various penalties for those being re-baptized.

10TH C: Ath J J₁ L P₂ P₃ T | 11TH C: B S S₂ Ve₁ | 12TH
C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 4.13.b*RP* reference: 127.5

ποῖα ἐστὶν ἡβη τοῦ ἄρρενος καὶ ποῖα τῆς θηλείας.

What the measure of puberty is for males and what for females.

10TH C: Ath J J₁ L P₂ P₃ T | 11TH C: B S S₂ V₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 4.13.c*RP* reference: 127.13

ὅτι ἡ μοιχεία μετὰ τὴν ἡβην πλημμελεῖται.

That adultery is counted as a wrong after puberty.

10TH C: Ath J J₁ L P₂ P₃ T | 11TH C: B S S₂ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 5.2.a*RP* reference: 131.1

περὶ τῶν προσφευγόντων ποῦ ὀφείλουσι διάγειν.

Regarding those who take refuge [in a church], where they ought to live.

10TH C: Ath J P₂ Pet | 11TH C: B S S₂ | 13TH/14TH C:
M N R

Scholion 7.1.a*RP* reference: 135.1

ση ἐναντιώματα τῶν διαφόρων διατάξεων περὶ τὴν ἁγίαν μ' καὶ τὰς ζ' ἡμέρας τὰς πρὸ τοῦ πάσχα καὶ τὰς μετὰ τὸ πάσχα

Note the contradictions of the various laws regarding the holy forty and seven days before and after Pascha.

10TH C: Ath P₂ P₃ Pet T | 11TH C: B S S₁ S₂ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve
NOTES: *καὶ τὰς μετὰ τὸ πάσχα* om. Ath B N P₂ Pet S S₁
S₂ (S₁ omits everything after μ').

Scholion 7.1.b

RP reference: 135.4

ση ποῖαι ἡμέραι ἄπρακτοι – αἱ ζ' ἡμέραι πρὸ τοῦ
πάσχα καὶ μετὰ τὸ πάσχα – ἡ χριστουγέννα καὶ τὰ
θεοφάνεια – ἡ τοῦ πάθους τῶν ἀποστόλων – ἡ ἁγία
κυριακή.

Note the days on which no [legal] business
is transacted: the seven days before and after
Pascha—the birth of Christ and Theophany—the
passion of the apostles—and the holy Lord's Day.

10TH C: Ath J J₁ L P₂ P₃ Pet | 11TH C: B Mos S₂ Ve₁ |
12TH C: Sof V₂ Val Ve₂ | 13TH/14TH C: M R Ve
NOTES: Normally in schematic form.

Scholion 7.1.c

RP reference: 135.7

ση πότε οὔτε δίκη λέγεται οὔτε θέα ἐπιτελεῖται οὔτε
χρέος ἀπαιτεῖται

Note when a sentence is not given nor a spectacle
performed nor a debt demanded.

10TH C: J J₁ P₂ P₃ Pet T | 11TH C: B S S₁ S₂ V₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 7.1.d

RP reference: 135.12

ση πότε οἱ λησται βασανίζονται

Note when robbers are tortured.

10TH C: J P₂ P₃ Pet T | 11TH C: B S S₁ S₂ V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 7.1.e

RP reference: 136.2

ση τίνες πάντοτε βασανίζονται μοιχοί, αἰσχρουργοί,
ἄρπαγες παρθένων, τυμβωρύχοι, γόητες, παραχαρα-
κταί, φονεῖς, πατροκτόνοι, τύραννοι.

Note that some are tortured at any time: adulter-
ers, doers of shameful acts, rapists of virgins, tomb
desecrators, sorcerers, counterfeiters, murderers,
parricides, and tyrants.

10TH C: J J₁ P₂ P₃ Pet T | 11TH C: B S S₁ S₂ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N Ve
NOTES: Not uncommonly abbreviated to some
degree: μοιχοί . . . τύραννοι om. N S S₂ T. γόητες . . .
τύραννοι om. Val. The variant *βασανίζονται δὲ*
πάντοτε οὗτοι appears in Barb, and S₁ reads *ση τίνες*
πάντοτε βασανίζονται καὶ τίνες οὐ βασανίζονται.

Scholion 7.4.a

RP reference: 141.3

τί κεκώλυνται ἐν τῇ ἁγίᾳ κυριακῇ

What is forbidden on the holy Lord's Day.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S S₁ V₁ | 12TH
C: Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 7.4.b

RP reference: 141.9

ὅτι ἔξεστι πακτεῦν καὶ διαλύεσθαι ἐν κυριακῇ

That it is possible to enter into agreements and
settle transactions on the Lord's Day.

10TH C: Ath J J₁ P₂ P₃ Pet T | 11TH C: B S Ve₁ | 12TH
C: Barb Sof | 13TH/14TH C: M N R Ve

Scholion 8.1.a

RP reference: 143.1

ση ὅτι τὰς κανονικὰς ἀμφισβητήσεις τοῦ Ἰλλυρικοῦ ὁ
Κωνσταντινουπόλεως θρόνος διοικεῖ

Note that the throne of Constantinople has
administrative authority over the canonical dis-
putes of Illyricum.

10TH C: Ath J J₁ L P₂ P₃ Pet T | 11TH C: B S S₂ Ve₁ |
12TH C: Barb | 13TH/14TH C: N R

Scholion 8.1.b

RP reference: 143.6

ση τὰ κατὰ τὴν τυραννίδα Ζήνωνος ἀκυρωθέντα.

Note—the invalidated enactments of Zeno's
tyranny.

10TH C: Ath J J₁ P₂ P₃ Pet T | 11TH C: B S S₂ | 12TH C:
Sof | 13TH/14TH C: M N R Ve

Scholion 8.1.c*RP* reference: 143.9

ση ὅτι ὁ Κωνσταντινουπόλεως τῶν ἄλλων ἔχει τὴν προεδρίαν.

Note that the [archbishop] of Constantinople takes precedence over the others.

10TH C: Ath J J₁ P₂ P₃ Pet T | 11TH C: B S | 12TH C: Barb Sof | 13TH/14TH C: M N R Ve

Scholion 8.1.d*RP* reference: 144.4

περὶ τοῦ ἐπισκόπου Τομέων καὶ τοῦ Ἰσαυροπόλεως.

Regarding the bishop of Tomis and of Isauropolis.

10TH C: Ath J P₂ P₃ T | 11TH C: B S S₂ | 12TH C: Sof | 13TH/14TH C: M N R Ve

NOTES: περὶ τοῦ ἐν Σκυθίᾳ Τομέων Ἰσαυροπόλεως J.

Scholion 8.1.e*RP* reference: 144.7

ὅτι ἡ Κωνσταντινούπολις ἔχει τὰ δίκαια τῆς ἀρχαίας Ῥώμης πολλὰχοῦ εἶρηται.

That Constantinople has the rights of the elder Rome is said in many places.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S S₁ S₂ | 12TH C: Barb | 13TH/14TH C: M N R

Scholion 8.2.a*RP* reference: 150.1

ὅτι ἐπίσκοπος παρὰ κέλευσιν βασιλέως οὐκ ἀνέρχεται εἰς Κωνσταντινούπολιν.

That a bishop does not go up to Constantinople against the bidding of the emperor.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: F S S₁ S₂ Ve₁ | 12TH C: Barb Sof Val | 13TH/14TH C: M N R Ve

Scholion 8.2.b*RP* reference: 150.6

ὅτι οὐδεὶς ἐπίσκοπος ἔξω τῆς ἑαυτοῦ ἐκκλησίας πλέον ἐνιαυτοῦ ἀπολιμπάνεται.

That no bishop is absent from his own church for more than a year.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: F S S₂ Ve₁ | 12TH C: Barb Sof | 13TH/14TH C: M N R Ve

Scholion 8.2.c*RP* reference: 150.20

ὅτι δίχα συστατικῶν οὐδεὶς ἀνέρχεται εἰς Κωνσταντινούπολιν.

That without commendatory letters no one goes up to Constantinople.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S S₁ S₂ Ve₁ | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Ve

NOTES: χωρὶς τοῦ ἰδίου μητροπολίτου add. N.

Scholion 8.2.d*RP* reference: 150.25

ση πῶς μηνύει ἐπίσκοπος πρὸς τὸν βασιλέα.

Note how a bishop is presented to the emperor.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B F S S₂ Ve₁ | 12TH C: Sof V₂ | 13TH/14TH C: M N Ve

Scholion 8.2.e*RP* reference: 151.1

ὅτι τῷ χρονίζοντι ἐπισκόπῳ οὐ χορηγοῦνται δαπάναι ἀπὸ τῶν οἰκονόμων.

That expenses are not provided by the stewards to a bishop who prolongs his stay.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S S₁ S₂ | 12TH C: Barb | 13TH/14TH C: M N Ve

Scholion 8.2.f*RP* reference: 151.12

ση ὅτι οἱ ὑπὸ τὸν Κωνσταντινουπόλεως πατριάρχην ἐπίσκοποι χωρὶς ἐπιτροπῆς αὐτοῦ εἰς αὐτὴν ἀνιέναι οὐ δύνανται.

Note that bishops under the patriarch of Constantinople are not permitted to go up to it [the city] without his permission.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B F S S₁ S₂ | 12TH C: Barb Sof Val | 13TH/14TH C: M N Ve

Scholion 8.2.g*RP* reference: 151.15

ση ὅτι τὸν οἰονδήποτε ἐπίσκοπον παραγινόμενον ἐν Κωνσταντινουπόλει χρὴ πρότερον εἰσελθεῖν πρὸς τὸν πατριάρχην καὶ δι' αὐτοῦ πρὸς τὸν βασιλέα.

Note that whenever any bishop is present in Constantinople he ought first to visit the patriarch and through him the emperor.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B S S₂ | 12TH C: Barb Sof Val | 13TH/14TH C: M N Ve

Scholion 8.2.h

RP reference: 151.25

ση τί περί τῶν ἀφισταμένων κληρικῶν φησι.

Note what it says about clerics who depart [their churches].

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B S S₂ | 12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N Ve

Scholion 8.13.a

RP reference: 157.6

ση ὅτι πάντες οἱ κληρικοὶ ἀλειτουρησίαν ἔχουσι πάσης ἐπιτροπῆς καὶ κουρατωρείας.

Note that all clerics are exempt from performing any duty of trustee or *curatio*.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S S₁ S₂ Ve₁ | 12TH C: Barb Sof Val | 13TH/14TH C: M N R Ve

Scholion 8.13.b

RP reference: 158.1

πότε καὶ ποῖοι κληρικοὶ καὶ τίνων κηδεμονεύουσιν.

When do clergy, and which type of clergy, serve as guardians, and of whom.

10TH C: Ath J P₃ Pet T | 11TH C: B S S₂ V₁ Ve₁ | 12TH C: Barb Sof V₂ Val | 13TH/14TH C: M N R Ve

Scholion 8.13.c

RP reference: 158.10

ὅτι τὰς παρακειμένας κτήσεις τοῖς εὐαγέσιν αὐτῶν οἴκοις δύνανται κληρικοὶ καὶ μοναχοὶ μισθοῦσθαι καὶ ἐμφυτεύεσθαι καὶ πῶς καὶ αὐτοὶ παρ' ἀλλήλων ἐκμισθοῦνται.

That clerics and monks are able to lease or contract as an *emphyteusis* properties adjoining their houses of piety and how they also contract leases among one another.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S S₁ V₁ Ve₁ | 12TH C: Barb V₂ Val | 13TH/14TH C: M N R Ve

Scholion 8.14.a

RP reference: 161.1

ση ὡς ὅτι σχεδὸν ὁμοφώνουσιν αἱ διατάξεις αὐταὶ τῷ κανόνι τῷ περὶ συνεισάκτων.

Note how these laws are in almost complete accord with the canon regarding *subintroductae*.

10TH C: Ath J P₃ Pet T | 11TH C: B Ve₁ | 12TH C: Barb | 13TH/14TH C: M N R Ve

Scholion 8.14.b

RP reference: 161.19

ση τὸ ἀσέμνως

Note the “in an unseemly way.”

10TH C: Ath J P₃ Pet T | 11TH C: S | 12TH C: Barb | 13TH/14TH C: M N R

Scholion 9.1.a

RP reference: 164.4

περὶ ἐγκληματικῶν καὶ κανονικῶν καὶ χρηματικῶν κατηγοριῶν.

Regarding criminal and canonical and pecuniary [civil] accusations.

10TH C: Ath J P₃ Pet T | 11TH C: B S S₂ | 12TH C: Barb Sof Val | 13TH/14TH C: N Ve

Scholion 9.1.b

RP reference: 164.4

τοῦτο τὸ νόμιμον κεκαίνισται ἐκ τοῦ νῦν φοιτήσαντος νόμου τῶν πανευσεβῶν ἡμῶν βασιλέων Ἡρακλείου καὶ Κωνσταντίνου τοῦ γραφέντος πρὸς Σέργιον τὸν ἀγιώτατον πατριάρχην· κελεύει γὰρ μήτε ἐπίσκοπον μήτε κληρικὸν μήτε μοναχὸν χρηματικῆς ἢ ἐγκληματικῆς χάριν αἰτίας παρὰ πολιτικῇ ἢ στρατιωτικῇ ἐνάγεσθαι ἄρχοντι ἀλλὰ παρὰ μόνοις τοῖς ἰδίοις ἐπισκόποις ἢ μητροπολίταις ἢ πατριάρχαις γενικῶς ἐν ὅλαις ταῖς πόλεσιν τῆς φιλοχρίστου πολιτείας.

This legal regulation has been renewed in the law that has now been enacted by our all-pious emperors Heraclius and Constantine and that was written to Sergius, the most holy patriarch; for it commands, generally, throughout all the cities of our Christ-loving polity, that neither bishop nor cleric nor monk be brought before a civil or

military judge for a pecuniary [civil] or criminal matter, but only before their own bishops or metropolitans or patriarchs.

10TH C: Ath J J₁ P₃ Pet T | 11TH C: B Mos P S Ve₁ |
12TH C: Barb Sof Val Ve₂ | 13TH/14TH C: N R Ve
NOTES: ἀγιώτατον om. N Ve₁. Balsamon cites from
μήτε ἐπίσκοπον . . . ἢ πατριάρχαις (*RP* 1.165).

Scholion 9.1.c

RP reference: 167.1

οὐχ εὐρίσκομεν κανόνα κωλύοντα κληρικούς ὁμνύειν,
μήποτε οὖν ἡ παρούσα νομοθεσία ἀπείδεν πρὸς τὸ ὑπὸ
Κυρίου ἐν εὐαγγελίοις εἰρημένον περὶ τοῦ μὴ ὁμνύειν
τινὰ καὶ ἄντι τῆς ἀγίας γραφῆς κανόνος ἐμνήσθη.

We do not find a canon forbidding clerics from swearing oaths, unless perhaps the present legislation referred to what is said by the Lord in the Gospels regarding not swearing, and has made mention of “canon” in place of the holy scripture.

10TH C: Ath J J₁ P₃ Pet T | 11TH C: B F Mos P S S₁ V₁
Ve₁ | 12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
N R Ve W

NOTES: ἄντι| ἄρτι Ath. Cited in *RP* 1.168 as a separate scholion of Balsamon.

Scholion 9.1.d

RP reference: 167.6

ὅτι οἱ ἐπίσκοποι καὶ οἱ κληρικοὶ καὶ οἱ μοναχοὶ οὐ
διάγονται.

That bishops and clerics and monks are not transferred [to court].

10TH C: Ath J L P₃ Pet T | 11TH C: B F S S₁ V₁ |
12TH C: Barb Sof Val | 13TH/14TH C: N R Ve

NOTES: διάγονται| ἐνάγονται N Sof | οὐ διάγονται| οὐ
γίνονται διάξιμοι R.

Scholion 9.1.e

RP reference: 168.4 [approx.]

ση μεγάλην τίμην ἀφωρισμένην τοῖς κληρικοῖς παρὰ
τῶν νόμων.

Note the great honor apportioned to clerics by the laws.

10TH C: Ath J P₃ Pet T | 11TH C: B F S S₁ Ve₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve

NOTES: παρὰ τῶν νόμων| παρὰ τοῦ νόμου B.

Scholion 9.1.f

RP reference: 168.18

ὅτι πάντι ἔξεστι τῶν δικαίων αὐτοῦ καταφρονεῖν.

That everyone is able to despise [renounce] their rights.

10TH C: Ath J L P₃ T | 11TH C: B S₁ | 12TH C: Barb
Sof V₂ Val | 13TH/14TH C: R Ve

Scholion 9.1.g

RP reference: 169.6

ση ὅτι οὐ δύνανται οἱ κληρικοὶ ἐπιλεξάμενοι ἐπισκό-
πους ἐκκαλεῖσθαι τὴν ψῆφον αὐτῶν.

Note that clerics, having chosen bishops [i.e., to be judged by], are not able to appeal their decision.

10TH C: Ath J L P₃ Pet T | 11TH C: B F S S₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: N Ve

Scholion 9.1.h

RP reference: 169.7

ὅτι τὴν ψῆφον τῶν ἐπάρχων οὐδεὶς ἐκκαλεῖται

That no one appeals the decision of the eparchs.

10TH C: Ath J Pet T | 11TH C: B P S | 12TH C: Barb |
13TH/14TH C: N R Ve

Scholion 9.1.i

RP reference: 169.12

ση ὅτι οὐδεὶς ἐκ πρώτης αἰτιᾶται κληρικὸν ξένον
παρὰ τῷ πατριάρχει ἀλλὰ πῶς.

Note that no one in the first instance brings a charge against a foreign cleric before the patriarch, but how [instead they bring a charge].

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S | 12TH C:
Barb Sof Val | 13TH/14TH C: N R Ve

NOTES: ἀλλὰ πῶς om. B L P₃ R Ve. ἀλλὰ πῶς| ἀλλὰ
παρὰ τῷ ἐπισκόπῳ Barb. The scholiast has added
“foreign” here, which is not found in either the
nomocanonical texts, the *Tripartita* (1.4.29), or the
original legislation in the Codex (1.4.29). It is per-
haps a reasonable inference; cf. scholion 9.1.u.

Scholion 9.1.j*RP* reference: 169.20

ὅτι οὐκ ἐκκαλοῦνται τῶν πατριαρχῶν ψῆφοι.

That the decisions of patriarchs are not subject to appeal.

10TH C: Ath J P₃ Pet T | 11TH C: B B₁ F Mos P S S₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.k*RP* reference: 170.5

περὶ πολιτικῆς ἐναγωγῆς καὶ δίκης.

Regarding civil actions and suits.

10TH C: Ath J L P₃ T | 11TH C: B F S S₁ V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.l*RP* reference: 170.22

ὅτι τοῖς κανόσιν οἱ νόμοι ἔπονται.

That the laws follow the canons.

10TH C: Ath J L P₃ Pet T | 11TH C: B F P S V₁ | 12TH
C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.m*RP* reference: 170.28 (or so)

ση τιμὴν ἱερατικὴν

Note the priestly honor.

10TH C: Ath J L P₃ T | 11TH C: B S S₁ | 12TH C: Barb
Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.n*RP* reference: 172.3

ση τί γίνεται ἐάν τις τοῦ μέλλοντος χειροτονεῖσθαι
κατηγορήσῃ

Note what happens if someone accuses someone
who is about to be ordained.

10TH C: Ath J L P₃ T | 11TH C: B S V₁ | 12TH C: Barb
Sof Val | 13TH/14TH C: N R Ve

Scholion 9.1.o*RP* reference: 173.1

περὶ τοῦ ἔχοντος δίκην πρὸς ἱερὸν πρόσωπον.

Regarding one who pursues a suit against a person
of sacred status.

10TH C: Ath J L P₃ Pet T | 11TH C: B B₁ S S₁ V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.p*RP* reference: 173.9

ση ἐὰν ἄρχων καὶ ἐπίσκοπος περὶ τοῦ αὐτοῦ
φάκτου ἐναντία ἀλλήλοις ψηφίσωνται ποῖα ψῆφος
ἐκκαλεῖται.

Note—if a governor and bishop should make
decisions contrary to one another on the same
factum, which decision is appealed.

10TH C: Ath J L P₃ Pet T | 11TH C: B F S S₁ V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve

Scholion 9.1.q*RP* reference: 173.15

ση ἀναγκαῖα νόμιμα περὶ διαφόρων φάκτων.

Note—necessary regulations regarding various
facta.

10TH C: Ath J L P₃ T | 11TH C: B F S S₁ V₁ | 12TH C:
Barb Sof Val | 13TH/14TH C: N R Ve

Scholion 9.1.r*RP* reference: 174.10

περὶ τάξεως ἐπισκόπου καὶ μητροπολίτου καὶ
πατριάρχου.

Regarding the order of [judicial competence of] a
bishop and a metropolitan and a patriarch.

10TH C: Ath J L P₃ T | 11TH C: B F S V₁ | 12TH C:
Barb Sof V₂ Val | 13TH/14TH C: N R Ve

NOTES: καὶ ὅτι ἐπίσκοπος δικάζόμενος οὔτε ἐγγύας
δίδωσι οὔτε ὁμολογίαν ποιεῖ (and that a bishop, taken
to court, neither gives surety nor makes a promise)
add. V₁.

Scholion 9.1.s*RP* reference: 175.1

ὅτι κατ' ἐνιαυτὸν ὁ οἰκονόμος ἀνάγκην ἔχει παρα-
τίθεσθαι τοὺς λόγους τῷ ἐπισκόπῳ αὐτοῦ.

That every year the steward must present his
accounts to his bishop.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S | 12TH C:
Barb Sof Val | 13TH/14TH C: N R Ve

Scholion 9.1.t*RP* reference: 175.3

ὅτι οἱ Κωνσταντινουπόλεως οἰκονόμοι κατὰ μῆνα
λογοποιοῦσιν ἢ κατὰ β' μῆνας

That the stewards of Constantinople render their
accounts each month or every two months.

10TH C: Ath L P₃ T | 11TH C: B S | 12TH C: Barb |
13TH/14TH C: N R Ve

Scholion 9.1.u*RP* reference: 175.8

πῶς ὁ ξένος ἐπίσκοπος ἐν Κωνσταντινουπόλει δικά-
ζεται καὶ παρὰ τίνι.

How a foreign bishop is taken to court in
Constantinople, and before whom.

10TH C: Ath J P₃ Pet T | 11TH C: B F Mos S V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R

Scholion 9.1.v*RP* reference: 175.11

ὅτι ὅπου ἡ κατάρξις τῆς δίκης ἐκεῖ καὶ τὸ πέρας.

That where a lawsuit begins, there it ends.

10TH C: Ath J L P₃ Pet T | 11TH C: B B₁ F Mos S S₁ V₁ |
12TH C: Barb Sof V₂ Val | 13TH/14TH C: N R Ve
NOTES: *κἀταρξις*] *προκἀταρξις* F (as *Basilica* 7.5.29).

Scholion 9.1.w*RP* reference: 175.12

ση πότε οἱ ἀποκρισιάριοι τῶν ἐκκλησιῶν ἐνάγονται
ὑπὲρ αὐτῶν καὶ τῶν ἐπισκόπων.

Note when the *apocrisarioi* of the churches are
brought to court on behalf of them [the churches]
and their bishops.

10TH C: Ath J L P₃ Pet T | 11TH C: B Mos S₁ | 12TH
C: Barb Sof V₂ | 13TH/14TH C: R Ve

Scholion 9.1.x*RP* reference: 175.19

πότε οἱ ἐπίσκοποι καὶ οἱ κληρικοὶ ἀποδημοῦντες οὐκ
ἐνάγονται.

When bishops and the clerics who are abroad are
not brought into court.

10TH C: Ath J L P₃ Pet T | 11TH C: B B₁ Mos S |
12TH C: Barb V₂ | 13TH/14TH C: N R Ve

Scholion 9.1.y*RP* reference: 176.2

περὶ μοναστρίας καὶ μοναχοῦ καὶ ἀσκητρίας καὶ
πόσῃ ἐστὶν ἡ τούτων τιμή.

Regarding nuns and monks and female ascetics
and the degree of honor accorded them.

10TH C: Ath J L P₃ Pet T | 11TH C: B S S₁ | 12TH C:
Barb Sof V₂ | 13TH/14TH C: N Ve

Scholion 9.1.z*RP* reference: 176.20

ὅτι ἐπίσκοπος ὑπὲρ τῆς ἐκκλησίας αὐτοῦ οὐκ
ἐνάγεται.

That a bishop is not brought into court on behalf
of his church.

10TH C: Ath J P₃ Pet T | 11TH C: B Mos S S₁ V₁ |
12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 9.1.aa*RP* reference: 177.1

καὶ ἐνταῦθα τὴν τάξιν.

Here too, the order [of judicial competence].

10TH C: Ath J P₃ Pet T | 11TH C: B B₁ S V₁ | 12TH C:
Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 9.6.a*RP* reference: 180.1

ση ὅτι ἐναντιοῦται αὕτη τῇ μετ' αὐτήν.

Note that this law is contradicted by that which
follows it.

10TH C: J L P₂ P₃ Pet T | 11TH C: B F S S₁ | 12TH C:
Barb Sof V₂ | 13TH/14TH C: M N R Ve W

Scholion 9.6.b

RP reference: 180.8

ση αἱ τῶν πατριαρχῶν ψῆφοι οὐκ ἐκκαλοῦνται.

Note that the decisions of the patriarchs are not subject to appeal.

10TH C: J L P₂ P₃ Pet T | 11TH C: B F Mos S | 12TH C:
Barb Sof V₂ | 13TH/14TH C: N Sel Ve

Scholion 9.6.c

RP reference: 180.16

εἴρηται καὶ ἀνωτέρω.

This has been said earlier as well.

10TH C: J P₂ Pet T | 11TH C: B S S₁ | 12TH C: Sof V₂ |
13TH/14TH C: M N R

Scholion 9.9.a

RP reference: 182.1

περὶ Φλαβιανοῦ τοῦ ἐν ἁγίοις καὶ Εὐτυχοῦς τοῦ ἐν
βεβήλοις.

Regarding Flavian, who is among the saints, and Eutyches, who is among the profane.

10TH C: J L P₂ P₃ Pet T | 11TH C: B F | 12TH C: Barb
Sof V₂ | 13TH/14TH C: M R

Scholion 9.10.a

RP reference: 183.1

περὶ τοῦ καθαιρεθέντος ἐπισκόπου καὶ μὴ ἐμμένοντος
ἀλλὰ ταραττοντος.

Regarding a bishop who has been deposed and who does not abide [by this ruling] but stirs up trouble.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S S₁ V₁ |
12TH C: Barb Sof | 13TH/14TH C: M N R Ve

Scholion 9.10.b

RP reference: 184.4

περὶ τῶν ἐχόντων βιβλους Σευήρου.

Regarding those who have books of Severus.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S S₁ |
12TH C: Barb Sof | 13TH/14TH C: M R Ve

Scholion 9.25.a

RP reference: 188.4

ση ὅτι τὴν γεωμετρίαν δεῖ εἰδέναι, τὴν δὲ μαθηματικὴν οὐδαμῶς.

Note that one ought to know geometry, but by no means astrology.

10TH C: Ath J L P₃ Pet T | 11TH C: F Mos S S₁ S₂ |
12TH C: Barb Sof V₂ | 13TH/14TH C: M R Ve

Scholion 9.25.b

RP reference: 188.10 [approx.]

ση πάνυ ξένον.

Note—very strange.

10TH C: J L P₃ Pet T | 11TH C: B Mos S S₁ | 12TH C:
Sof | 13TH/14TH C: M R Sel W

NOTES: Often connected to scholion 9.25.c.

Scholion 9.25.c

RP reference: 188.12

περὶ τῶν ποιοῦντων θεραπείαν σωμάτων ἢ βροχὴν
καὶ χάλαζαν ἀπελαυνόντων διὰ μαγείας.

Regarding those who heal the body or drive off rain and hail through magic.

10TH C: Ath J L P₃ Pet T | 11TH C: B B₁ F Mos S |
12TH C: Barb Sof | 13TH/14TH C: M R Ve W

Scholion 9.25.d

RP reference: 191.10

περὶ ἡνιόχων τιμωρουμένων μάγους ἢ γόητας.

Regarding charioteers who take vengeance on enchanter or sorcerers.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B Mos S |
12TH C: Barb Sof | 13TH/14TH C: M N R Ve

Scholion 9.25.e

RP reference: 193.12

πότε ὁ γόης λεγόμενος δύναται ἐκκαλεῖσθαι

When someone who has been named a sorcerer may appeal.

10TH C: Ath J L P₂ P₃ T | 11TH C: B F S | 12TH C:
Barb Sof V₂ | 13TH/14TH C: M N Ve

Scholion 9.25.f*RP* reference: 195.1

πῶς καὶ ποῦ δύναται τις ζητεῖν θησαυρόν.

How and where one may seek a treasure.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B F Mos S S₁ S₂ |
12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 9.25.g*RP* reference: 195.9

περὶ τοῦ ἀπὸ ὀρθοδόξου γενομένου αἰρετικοῦ.

Regarding someone who was orthodox and becomes a heretic.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ F Mos S S₁ S₂ | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Ve

Scholion 9.25.h*RP* reference: 198.5

ση περὶ πιμενταρίου παρέχοντος ὡς ἔτυχεν τὰ ἀναιρετικά φάρμακα.

Note—regarding an apothecary who carelessly provides poisonous medicaments.

10TH C: J P₂ P₃ Pet T | 11TH C: B F Mos S S₁ | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Sel Ve

Scholion 9.26.a*RP* reference: 200.7

ση διαφορὰν ὕβρεως τραχείας καὶ ὁμαλῆς.

Note the difference between aggravated and non-aggravated injury.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Sel Ve

Scholion 9.26.b*RP* reference: 201.3

πᾶν ἀμάρτημα – ἢ ἐκ προνοίας – ἢ κατὰ τύχην

Every wrongdoing is—either with forethought—or by accident.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S S₂ |
12TH C: Barb Sof V₂ Ve₂ | 13TH/14TH C: M N R Sel Ve

NOTES: Normally in schematic form.

Scholion 9.26.c*RP* reference: 201.5

ὁ ἁμαρτάνων – ἢ ἀπὸ προνοίας – ἢ ἐξ ὀργῆς – ἢ κατὰ τύχην

One does wrong—either with forethought—or in anger—or by accident.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S S₁ S₂ |
12TH C: Barb Sof V₂ Ve₂ | 13TH/14TH C: M N R Ve

NOTES: Normally in schematic form. ἢ ἐξ ὀργῆς] ἢ ἐξ ὀργῆς Ath B B₁ L N Pet P₂ S S₁ T Ve₂. (Typically the scholion follows the reading of the main text, which itself varies between ὀργῆς and ὀρμῆς.)

Scholion 9.27.a*RP* reference: 203.1

περὶ τοῦ καθόλου μὴ ὁμνύναι κληρικόν.

Regarding that clerics do not take oaths in general.

10TH C: J P₂ P₃ Pet T | 11TH C: B Mos S S₁ | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Sel Ve

Scholion 9.27.b*RP* reference: 203.7

ση ἐναντίον

Note—contradiction.

10TH C: P₂ P₃ Pet T | 11TH C: B S | 13TH/14TH C: M N Ve

Scholion 9.27.c*RP* reference: 204.1

ση πῶς δεῖ λαμβάνειν τόκους.

Note how one ought to receive interest.

10TH C: J L P₂ P₃ Pet T | 11TH C: B Mos S | 12TH C: Barb Sof | 13TH/14TH C: M N Ve

Scholion 9.27.d*RP* reference: 204.7

περὶ κλοπῆς

Regarding theft.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: Mos S S₁ |
12TH C: Barb V₂ | 13TH/14TH C: M N Ve

Scholion 9.27.e*RP* reference: 204.10

κλοπῆς εἶδη δύο – φανερά – ἀφανής

There are two kinds of theft—manifest—
non-manifest.10TH C: J L P₂ P₃ Pet T | 11TH C: B S S₁ | 12TH C:Barb P₁ Sof V₂ Ve₂ | 13TH/14TH C: M N Ve

NOTES: Normally in schematic form.

Scholion 9.27.f*RP* reference: 207.1

περὶ τυμβωρύχων

Regarding grave robbers.

10TH C: J L P₂ P₃ Pet T | 11TH C: B Mos S S₁ |12TH C: Barb Sof V₂ | 13TH/14TH C: M N Sel Ve**Scholion 9.29.a***RP* reference: 210.5

ὅτι οἱ κανόνες οὐχ ἥττον τῶν νόμων ισχύουσι.

That the canons have force no less than the laws.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B F P S S₁ S₂ V₁ |12TH C: Barb P₁ Sof V₂ | 13TH/14TH C: M N Sel Ve**Scholion 9.29.b***RP* reference: 210.12

περὶ μοναχοῦ ἀναγνώστου ἢ ψάλτου ὅτι οὐ δεῖ γαμεῖν.

Regarding a monk who is a reader or a *psaltis*—
that he must not marry.10TH C: J P₂ P₃ Pet T | 11TH C: B F S S₂ V₁ | 12TH C:P₁ Sof V₂ | 13TH/14TH C: M N Sel Ve**Scholion 9.29.c***RP* reference: 211.1

ὁμοίως ἢ περὶ τῶν γάμων νεαρά.

Similarly the new law [Novel] on marriages.

10TH C: Ath J L P₂ Pet T | 11TH C: B F | 12TH C:P₁ Sof V₂ | 13TH/14TH C: MNOTES: Position varies somewhat from 1.210.16 to
1.211.1; more typically nearer the latter.**Scholion 9.29.d***RP* reference: 211.1–2περὶ τῶν δευτεργαμούντων ἢ λαμβανόντων
δευτερογαμήσασαν.Regarding those who marry a second time or marry
a woman who has been married a second time.10TH C: Ath J P₂ P₃ Pet T | 11TH C: B B₁ F S S₁ S₂ V₁ |12TH C: Barb P₁ Sof V₂ | 13TH/14TH C: M N Sel Ve**Scholion 9.29.e***RP* reference: 211.9

περὶ ἀναγνώστου δευτερογαμήσαντος.

Regarding a reader who has been married a second
time.10TH C: Ath J P₂ P₃ Pet T | 11TH C: B B₁ V₁ | 12TH C:Barb P₁ Sof V₂ | 13TH/14TH C: M Sel Ve**Scholion 9.29.f***RP* reference: 211.12

περὶ διακονισσῶν.

Regarding deaconesses.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B₁ S S₁ V₁ |12TH C: Barb P₁ Sof V₂ | 13TH/14TH C: M N Ve**Scholion 9.29.g***RP* reference: 212.16

περὶ τῶν ἄρπαζόντων μονάστριαν.

Regarding those who rape a nun.

10TH C: J P₃ Pet T | 11TH C: B B₁ F S V₁ | 12TH C:Barb P₁ Sof V₂ | 13TH/14TH C: M N Ve**Scholion 9.30.a***RP* reference: 214.1

περὶ ἄρπαγῆς ἱερᾶς παρθένου.

Regarding rape of a sacred virgin.

10TH C: J P₃ Pet T | 11TH C: B F Mos S S₁ | 12TH C:Barb P₁ Sof | 13TH/14TH C: M N Sel Ve

Scholion 9.30.b*RP* reference: 214.1

ὅτι οἱ ἀρπάζοντες μονάστριαν ἢ ἀσκήτριαν ἢ διακόνισσαν κεφαλικῶς τιμωροῦνται.

That those who rape a nun or female ascetic or deaconess are subject to capital punishment.

10TH C: J P₂ Pet T | 11TH C: B Mos | 12TH C: Barb P₁ Sof | 13TH/14TH C: M Sel Ve

Scholion 9.30.c*RP* reference: 218.9

ὅτι ἡ ἀρπαγὴ μείζων ἔστι τῆς μοιχείας.

That rape is graver than adultery.

10TH C: J P₂ P₃ Pet T | 11TH C: B Mos S S₁ V₁ | 12TH C: Barb Sof | 13TH/14TH C: M N Ve

Scholion 9.30.d*RP* reference: 218.17

περὶ τῶν ἀρπαζόντων ἀσκήτριαν ἢ μονάστριαν ἢ διακόνισσαν.

Regarding those who rape a female ascetic or a nun or a deaconess.

10TH C: J P₂ P₃ Pet T | 11TH C: B S S₁ | 12TH C: Barb Sof | 13TH/14TH C: N Sel Ve

Scholion 9.32.a*RP* reference: 223.3

περὶ μοναχῶν ὅτι οὐ δύνανται οἱ τούτων γονεῖς ἀποκωλύσαι τῆς νομίμου κληρονομίας διὰ τὸ μονάσαι αὐτούς.

Regarding monks, that their parents are not able to keep them from their lawful inheritance because they have become monks.

10TH C: Ath J P₂ P₃ T | 11TH C: B B₁ Mos S S₁ S₂ V₁ | 12TH C: Barb Sof | 13TH/14TH C: M N Sel Ve

NOTES: ὅτι οὐ δύνανται οἱ γονεῖς ἀποκληρόνιμους τοὺς παῖδας αὐτῶν διὰ τὸ μονάσαι S₁.

Scholion 9.34.a*RP* reference: 226.1

ὅτι αἱ διατάξεις συγχωροῦσι διδόναι ἐγγύας κληρικούς, τινὲς δὲ κωλύουσι.

That the laws permit clerics to provide surety, while others forbid it.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B S₁ | 12TH C: Barb Sof V₂ | 13TH/14TH C: M R Sel Ve

Scholion 9.36.a*RP* reference: 227.10

ὁ τὸν βασιλέα ὑβρίζων – ἢ ἀπὸ κουφότητος – ἢ ἐξ ἀνοίας – ἢ ἀδικούμενος.

One insults the emperor—either in levity—or from insanity—or having been wronged.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S S₁ S₂ V₁ | 12TH C: Barb Sof V₂ V_{e2} | 13TH/14TH C: M N R Ve

NOTES: Normally in schematic form.

Scholion 9.36.b*RP* reference: 228.15

περὶ τῶν ποιούντων φαμῶσα καὶ τῶν ἀναγιγνωσκόντων αὐτὰ ὅτι κεφαλικῶς τιμωροῦνται.

Regarding those who write *famosa* [defamatory statements] and those reading them—that they are subject to capital punishment.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B F S | 12TH C: Barb Sof V₂ | 13TH/14TH C: M N Ve

Scholion 9.39.a*RP* reference: 231.11

ση διαφορὰν ἐπισκόπων καὶ κοσμικῶν δικαστῶν.

Note the difference between bishops and civil judges.

10TH C: Ath P₂ P₃ Pet T | 11TH C: B F S | 12TH C: Barb | 13TH/14TH C: M N R

Scholion 10.5.a*RP* reference: 240.21

ση τίνας οἶδεν ἢ διάταξις κληρικούς.

Note whom this law recognizes as clerics.

10TH C: Ath J P₂ Pet T | 11TH C: B S | 12TH C: Barb Sof | 13TH/14TH C: M R Sel Ve

Scholion 10.8.a*RP* reference: 244.7

τὸ αὐτὸ λέγει ἡ περὶ Σαμαρειτῶν δευτέρα οὕσα τοῦ γ' τίτλου τῶν νεαρῶν.

The second [law] of the third title of the new laws [Novels] on the Samaritans says the same thing.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S₂ | 12TH C:
Barb Sof | 13TH/14TH C: M N R Sel Ve
NOTES: The reference is a *Tripartita* reference
(3.3.2.1–3).

Scholion 10.8.b

RP reference: 244.18

ση περι Σαμαρειτῶν

Note—regarding the Samaritans.

10TH C: J L P₂ Pet T | 11TH C: B S S₁ S₂ | 12TH C:
Barb Sof | 13TH/14TH C: M N R Sel Ve

Scholion 11.1.a

RP reference: 249.17

περι μνηστήρων τῶν εἰς βίον μοναχικὸν ἐρχομένων.

Regarding betrothed people who enter the monastic life.

10TH C: J P₂ P₃ Pet T | 11TH C: B F Mos S S₁ V₁ |
12TH C: Barb Sof | 13TH/14TH C: M N Sel Ve

Scholion 11.3.a

RP reference: 254.7

ση πῶς δεῖ προγυμνάζεσθαι τοὺς μέλλοντας μονάζειν.

Note how those who are about to enter the monastic life ought to be tested.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S S₁ V₁ |
12TH C: Barb | 13TH/14TH C: M N R

NOTES: προγυμνάζεσθαι τοὺς μέλλοντας μονάζειν |
γυμνάζεσθαι τοὺς μέλλοντας γυμνάζειν Barb P₃.

Scholion 11.3.b

RP reference: 255.12

περι ἡγουμένων

Regarding abbots.

10TH C: J L P₂ P₃ T | 11TH C: B B₁ F S S₁ | 12TH C:
Barb | 13TH/14TH C: M N Sel V₃ Ve

Scholion 12.2.a

RP reference: 264.20

περι Ἰουδαίων

Regarding Jews.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: S S₂ | 12TH C:
Barb | 13TH/14TH C: M N R Sel Ve

Scholion 12.3.a

RP reference: 266.1

περι βιβλίων ἀθέσμων

Regarding unlawful books.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F Mos S S₁ V₁ |
12TH C: Sof V₂ | 13TH/14TH C: M N R Sel Ve

Scholion 12.3.b

RP reference: 266.7

περι μαθηματικῶν βιβλίων

Regarding astrological books.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F R S S₂ |
12TH C: Barb Sof | 13TH/14TH C: M N Sel Ve

Scholion 12.3.c

RP reference: 266.16

περι Νεστοριανῶν καὶ πῶς λέγονται

Regarding Nestorians, and how they are called.

10TH C: Ath L P₂ P₃ Pet T | 11TH C: B F S S₁ S₂ |
12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Sel V Ve

NOTES: Νεστοριανῶν] Νεστοριανῶν καὶ Ἀρειανῶν V |
καὶ πῶς λέγονται om. S₁.

Scholion 12.3.d

RP reference: 266.25

περι Μανιχαϊκῶν βιβλίων

Regarding Manichean books.

10TH C: J L P₂ P₃ Pet T | 11TH C: B B₁ F S S₁ S₂ |
12TH C: Barb Sof V₂ | 13TH/14TH C: M N R Sel Ve

Scholion 12.3.e

RP reference: 267.2

περι μαγικῶν βιβλίων

Regarding magical books.

10TH C: J L P₂ P₃ Pet T | 11TH C: B S S₁ S₂ V₁ |
12TH C: Barb Sof | 13TH/14TH C: M N R Sel Ve

Scholion 12.9.a*RP* reference: 269.1

περὶ ληγάτου

Regarding a legacy.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: S | 12TH C:
Barb Sof | 13TH/14TH C: M N R Sel Ve**Scholion 12.13.a***RP* reference: 271.2

ὁρος γάμου

A definition of marriage.

10TH C: J L P₂ P₃ Pet T | 11TH C: B B₁ S S₂ | 12TH C:
Barb | 13TH/14TH C: M N R Ve**Scholion 12.13.b***RP* reference: 271.10 (sometimes 6)

ὅτι οἶδεν ὁ νόμος συνοικίαν ἄλλοεθνή

That the law recognizes cohabitation with
foreigners.10TH C: L P₂ P₃ Pet T | 11TH C: B | 12TH C: Barb |
13TH/14TH C: M R Sel Ve**Scholion 13.2.a***RP* reference: 276.3

ποῖος ὁ πένθιμος χρόνος καὶ τί τὸ παραβῆναι τοῦτον.

What is the length of the mourning period, and
what it is to transgress it.10TH C: J L P₂ P₃ Pet T | 11TH C: B B₁ F S S₁ V₁ |
12TH C: Barb | 13TH/14TH C: M N R VeNOTES: καὶ τί τὸ παραβῆναι τοῦτον om. B₁.**Scholion 13.3.a***RP* reference: 294.13

ση πολλὴν ἀκρίβειαν

Note—much strictness.

10TH C: J L P₂ P₃ Pet T | 11TH C: B S₁ | 12TH C: Barb
| 13TH/14TH C: M**Scholion 13.4.a***RP* reference: 295.3πότε ὁ ἀνὴρ νομίμως στέλλει ῥεπούδιον – ἐὰν σύνοι-
δεν ἢ γυνὴ ἐπιβουλευομένην τὴν βασιλείαν – ἐὰνμοιχεύηται – ἐὰν τῷ ἀνδρὶ ἐπιβουλεύοι – ἐὰν συμπο-
σιάξῃ ἢ ἔξω κοιμᾶται ἢ ἀνδράσι συλλογῇται.When a husband can legally issue a *repudium*
[statement of divorce]: if his wife becomes aware
of a plot against the empire—if she commits
adultery—if she plots against her husband—if she
engages in drinking parties or sleeps outside [the
house] or bathes with men.10TH C: J L P₂ P₃ Pet T | 11TH C: B B₁ S S₁ S₂ V₁ |
12TH C: Barb Sof Val Ve₂ | 13TH/14TH C: M N R
Sel VeNOTES: Normally schematic in form. ἐπιβουλευομένην]
ἐπιβουλευόμενον L | ἐπιβουλευομένη S₁.**Scholion 13.4.b***RP* reference: 295.14πότε γυνὴ νομίμως στέλλει ῥεπούδιον – ἐὰν κατὰ τῆς
βασιλείας πράξειεν ὁ ἀνὴρ ἢ βουλεύσεται – ἐὰν ἐπι-
βουλεύσῃ τῇ ζωῇ αὐτῆς – ἐὰν τῇ σωφροσύνῃ αὐτῆς
ἐπιβουλεύσῃ εἰς τὸ μοιχευθῆναι – ἐὰν κατηγορήσας
αὐτῆς μοιχείαν μὴ ἀποδείξῃ – ἐὰν ἐτέρα συνοίκη ἐν
τῇ αὐτῇ πόλει.When a wife can legally issue a *repudium*: if her
husband should act or plot against the empire—
if he should plot against her life—if he should
plot against her chastity so that she commits
adultery—if he should cohabit with another
woman in the same city.10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S S₁ S₂ V₁ |
12TH C: Barb Sof V₂ Val Ve₂ | 13TH/14TH C:
M N R Ve

NOTES: Normally schematic in form. ἐτέρα] ἐταίρα Ath.

Scholion 13.4.c*RP* reference: 296.1

περὶ τῆς στελλούσης ἄλογον ῥεπούδιον

Regarding a woman who issues a *repudium* with-
out cause.10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S S₂ V₁ |
12TH C: Barb Sof Val | 13TH/14TH C: M N R V Ve

Scholion 13.4.d*RP* reference: 296.12

περὶ τοῦ ἀλόγως στέλλοντος ῥεπούδιον ἀνδρός.

Regarding a husband who issues a *repudium* without cause.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B S S₂ V₁ | 12TH C: Barb | 13TH/14TH C: M N R Sel V₃ Ve

Scholion 13.4.e*RP* reference: 298.1

πῶς δύναται γάμος ἐκ συμφώνου λύεσθαι

How a marriage can be dissolved by agreement.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ S₂ V₁ | 12TH C: Barb Sof Val | 13TH/14TH C: M R Sel V Ve

Scholion 13.5.a*RP* reference: 304.1

περὶ πορνείας

Regarding fornication.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B Mos S S₂ V₁ | 12TH C: Barb Sof | 13TH/14TH C: M N R Sel Ve

Scholion 13.5.b*RP* reference: 305.8

περὶ παλλακισμοῦ

Regarding concubinage.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B Mos S S₂ | 12TH C: Barb | 13TH/14TH C: M N R Sel V₃ Ve

Scholion 13.9.a*RP* reference: 310.1

ση πότε ἡ ὑπέξουσία δύναται ἐαυτὴν ἐκδοῦναι.

Note when a woman under authority is able to give herself in marriage.

10TH C: Ath J L P₃ Pet T | 11TH C: B B₁ S V₁ | 12TH C: Barb | 13TH/14TH C: M N R Sel V Ve

Scholion 13.18.a*RP* reference: 316.1

πότε ἐπιφερομένου ὄρκου οὐκ ἀναληλαφᾶται ἡ δίκη.

When a suit is not retried if an oath has been sworn.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B B₁ F S S₂ V₁ | 12TH C: Barb | 13TH/14TH C: M N R Sel Ve

Scholion 13.18.b*RP* reference: 318.13

ση ἀναγκαῖον

Note—necessary.

10TH C: Ath P₂ P₃ Pet T | 11TH C: B F S | 12TH C: Barb | 13TH/14TH C: M N R Sel

NOTES: In some cases effectively conjoined to scholion 13.18.c.

Scholion 13.18.c*RP* reference: 318.15

ση περὶ τοῦ μὴ ἀναγκάζεσθαι φυλάττειν τὸν ὄρκον

Note—regarding when one is not compelled to keep their oath.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B F S | 12TH C: Barb | 13TH/14TH C: M N

Scholion 13.21.a*RP* reference: 322.1

περὶ πορνῶν καὶ πορνοβοσκῶν

Regarding prostitutes and brothel keepers.

10TH C: Ath J L P₂ P₃ Pet T | 11TH C: B Mos S₁ V₁ | 12TH C: Barb | 13TH/14TH C: M R Sel

Scholion 13.21.b*RP* reference: 322.9

ποιᾶ ἐστὶ σκηνὴ καὶ σκηνικός.

What a “stage” and “actor” are.

10TH C: Ath J P₂ P₃ Pet T | 11TH C: B Mos S S₁ S₂ V₁ | 12TH C: Barb | 13TH/14TH C: M N R Sel V Ve

Scholion 13.21.c*RP* reference: 322.12

τίνες εἰσὶν ἄτιμοι καὶ διὰ τί.

Who lose their honor, and for what.

10TH C: Ath J P₂ P₃ Pet | 11TH C: B F Mos V₁ | 12TH C: Barb | 13TH/14TH C: M R Sel V Ve

Scholion 13.21.d*RP* reference: 322.14

ποῖα οὐκ ἐστὶν ἄτιμος τέχνη

What type of craft does not incur a loss of honor.

10TH C: Ath J L P₂ P₃ T | 11TH C: B F Mos S S₂ V₁ |

12TH C: Barb | 13TH/14TH C: M N R Sel Ve

Scholion 13.21.e*RP* reference: 323.2

ση ξένον

Note—strange.

10TH C: Ath J P₂ T | 11TH C: B Mos | 13TH/14TH C:

M R

Scholion 13.21.f*RP* reference: 323.3

ποιός ἐστὶ προαγωγὸς καὶ ἀτιμοῦται

Who is a pimp and is subject to the loss of honor.

10TH C: Ath J L P₂ P₃ T | 11TH C: B F S V₁ | 12TH C:

Barb | 13TH/14TH C: M N R Sel V Ve

NOTES: τί ἐστὶ προαγωγός V.

Scholion 13.21.g*RP* reference: 323.10

ση ξένον

Note—strange.

10TH C: Ath L P₂ T | 11TH C: B S V₁ | 13TH/14TH C:

M N R

Scholion 13.23.a*RP* reference: 325.7

ση παράδοξον

Note—surprising.

10TH C: J P₂ P₃ T | 11TH C: B Mos R S | 12TH C: Barb

| 13TH/14TH C: M N Sel Ve

Scholion 13.29.a*RP* reference: 327.1

περὶ τῶν κοττιζόντων

Regarding those who play dice.

10TH C: J L P₂ P₃ T | 11TH C: B R S S₁ S₂ V₁ | 12TH C:Barb P₁ Sof V₂ Val | 13TH/14TH C: M N Sel Ve**Scholion 13.29.b***RP* reference: 328.3

ση ποῖα συγκεχώρηται ταβλίζειν καὶ πῶς.

Note which games [of chance] are permitted to be played and how.

10TH C: J L P₂ P₃ T | 11TH C: B B₁ R S S₂ V₁ | 12TH C:Barb P₁ Sof Val | 13TH/14TH C: M N Sel Ve**Scholion 13.29.c***RP* reference: 328.12

περὶ τῶν ξυλίνων ἵππων

Regarding the wooden horses.

10TH C: J L P₂ P₃ T | 11TH C: B R S V₁ | 12TH C: BarbSof Ve₂ | 13TH/14TH C: M N Sel VeNOTES: In the twelfth century, Balsamon is already unsure what the “wooden horses” of Codex 3.43.2 refer to (*RP* 1.329).⁵³**Scholion 13.30.a***RP* reference: 330.1

τὰς αἰτίας τῶν εὐλόγων ῥεπουδίων ἔχεις ἐν τῷ δ' κεφαλαίῳ τοῦ παρόντος τίτλου.

You have the reasons for permitted *repudia* in the fourth chapter of the present title.10TH C: J L P₂ P₃ T | 11TH C: B R S S₂ | 12TH C: P₁

Sof | 13TH/14TH C: M N Sel Ve


Emphasis Scholia

Throughout the margins of the manuscripts, numerous small deictic signifiers may be found. These are typically ση or ὥρ, or very often both, meaning σημείωσαι (note) and ὡραῖον (beautiful/fine, useful). They do not have the consistency of the main scholia in either frequency or placement, but some appear with sufficient regularity (i.e., in at least ten manuscripts, including at least a few from the tenth century) to warrant notice:

53 For recent discussion of the “wooden horses,” see D. Reinsch, “Das Berliner ‘Kugelspiel’: Eine Luxusversion des später verbotenen Glücksspiels *equi lignei* / ξύλινον ἵππικόν,” in *Βυζάντιο: Κράτος και κοινωνία—Μνήμη Νίκου Οικονομίδη*, ed. A. Avramea, A. Laiou, and E. Chrysos (Athens, 2003), 443–49.

1.10 (<i>RP</i> 50.1 or 2)	ση ὥρ
2.1 (<i>RP</i> 90.4 or 5)	ση ὥρ
2.1 (<i>RP</i> 98.10 or 12)	ση ὥρ (connected closely with scholion 2.1.m)
2.1 (<i>RP</i> 107.14)	ση ὥρ
4.13 (<i>RP</i> 127.3)	ση ὥρ (sometimes with <i>ἀνάγκαιον</i> and almost merging with scholion 4.13.b)
10.8 (<i>RP</i> 243.approx. 11 through 18)	(ση) δι' ὅλου (normally written vertically alongside text)
12.13 (<i>RP</i> 271.3)	ὥρ
13.30 (<i>RP</i> 330.12–14)	ση ὥρ

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